

**CITY OF EUREKA
CITY COUNCIL/
REDEVELOPMENT AGENCY
AGENDA**

Marian Brady 1st Ward
Linda Atkins 2nd Ward
Mike Newman 3rd Ward
Melinda Ciarabellini 4th Ward
Lance Madsen 5th Ward



Frank Jäger, Mayor

**REGULAR MEETING
TUESDAY, JANUARY 18, 2011
CLOSED SESSION 5:00 P.M.
REGULAR SESSION 6:00 P.M.
COUNCIL CHAMBER
531 K STREET
EUREKA, CA 95501**

David Tyson, City Manager
Pam Powell, City Clerk
William Bragg, Interim City Attorney

CLOSED SESSION

If closed session items cannot be completed by 5:55 P.M., they will be continued at the conclusion of the regular agenda, provided there is time. If time does not allow then those closed session items will be continued to the next regular meeting.

A. PUBLIC COMMENT PERIOD

(Limited to 3 minutes each speaker on closed session agenda items only)

- B. Conference with legal counsel – existing litigation
City v. Floyd Squires (Humboldt Co. Superior Court No. CV090191)
Pursuant to California Government Code Section 54956.9(a)
- C. Conference with legal counsel – existing litigation
City v. Floyd Squires (Humboldt Co. Superior Court No. CV1000894)
Pursuant to California Government Code Section 54956.9(a)
- D. Conference with legal counsel – Anticipated litigation (3 Cases)
Pursuant to California Government Code Section 54956.9(b)
- E. Public Employment – City Manager
Pursuant to California Government Code Section 54957
- F. Conference with labor negotiators
Agency designated representatives: Gary Bird for City of Eureka
Employee organization Local (EFOL)
Pursuant to California Government Code Section 54957.6

REGULAR SESSION – 6:00 P.M.

ROLL CALL

INVOCATION

Nancy Only – Unity Church of the Redwoods

PLEDGE OF ALLEGIANCE

REPORT OUT OF CLOSED SESSION

MAYOR'S ANNOUNCEMENTS

Presentation of Proclamations: "Season for Non-Violence"

COUNCIL REPORTS / CITY-RELATED TRAVEL REPORTS

Councilmember Brady: E-Mail protocol

PUBLIC HEARINGS

Public Hearings are scheduled for a time certain of 6:00 P.M. unless noticed otherwise, or as soon thereafter as possible.

1. Public Hearing – Shamus T Bones Restaurant Coastal Development Permit, 1809 Truesdale, APN 007-081-035
Recommendation:
 1. Hold a public hearing.
 2. Adopt the Findings of Fact listed in Exhibit A and approve the Coastal Development Permit subject to the Conditions of Development listed in Exhibit B.
(Community Development)
2. Public Hearing – Schneider Cargo Storage Area Coastal Development Permit
Recommendation:
 1. Hold a public hearing;
 2. Adopt the Findings of Fact as described in Exhibit "A; and
 3. Approve the Coastal Development Permit subject to the Conditions listed Exhibit "B".
(Community Development)

PUBLIC COMMENT PERIOD

This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. You may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to City Council Minute Order dated May 4, 1989, City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers. Pursuant to City Council Minute Order dated June 6, 2000, the public will be allowed to speak concurrently with the calling of an agenda item following the staff presentation of that item.

Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on the Agenda.

3. Is there any person in the audience who wishes to address the Council at this time?

CONSENT CALENDAR

Notice to the Public: *All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Unless a specific request is made by a Councilmember or the public, the Consent Calendar will not be read. There will be no separate discussion of these items. However, if discussion is required, that item will be removed from the Consent Calendar and considered separately.*

4. Council meeting minutes.
Recommendation: Approve the regular Council/Redevelopment Agency Board meeting minutes of November 16, 2010 and special Council/Redevelopment Agency Board meeting minutes of November 24, 2010 as submitted.
(City Clerk)
5. Purchase of (5) M6 Mobile Data Computer Systems
Recommendation: 1. Accept the quote from Hub-Data 911 in the amount of \$29,566; and
2. Approve the appropriation of Drug Asset Funds to purchase (5) M6 Mobile Data Computer Systems.
(Police Chief)
6. Destruction of Records
Recommendation: Adopt a Resolution of the City Council for the Destruction of Certain Records pursuant to City policy.
(Police Chief)
7. Request for Exception to the Hiring Freeze
Recommendation: 1. Approve an exception to the hiring freeze for an Accountant I/II temporary over hire in the Finance Department.; and
2. Appropriate \$21,000 from existing Redevelopment reserves to fill the temporary position.
(Personnel Director)
8. Request for Exception to the Hiring Freeze for an Accountant I/II position in the Finance Department, a position included in the FY 10/11 budget.
Recommendation: Approve an exception to the hiring freeze for an Accountant I/II position in the Finance Department, a position included in the FY 10/11 budget.
(Personnel Director)

9. Amendment to Job Specification
Recommendation: Amend job specification of Utility Maintenance Worker class.
(Personnel Director)
10. **Redevelopment Agency** – Exclusive Right to Negotiate (ERTN) Agreement with Marty & Michele L’Herault dba Old Town Carriage Company
Recommendation: 1. Adopt a Joint Resolution of the City Council and Eureka Redevelopment Agency approving an Exclusive Right to Negotiate Agreement (ERTN) with Marty and Michele L’Herault dba Old Town Carriage Company, for the purchase and development of Agency property located and 1st and “C” Streets; and
2. Authorize execution of a 180-day ERTN between the Eureka Redevelopment Agency and Marty and Michele L’Herault dba Old Town Carriage Company.
(Redevelopment Director)
11. Increase Enterprise Zone Hiring Credit Voucher Application Fees
Recommendation: Adopt a Resolution of the City Council authorizing an increase \$5.00 per Enterprise Zone voucher fee, which will be remitted to the State of California.
(Redevelopment Director)
12. Temporary Firefighter Position Over hire
Recommendation: Approve the over hire of one temporary firefighter position in the Fire Department.
(Personnel Director)
13. Mayor’s appointments to boards, commissions and committees.
Recommendation: Approve the Mayor’s appointments and re-appointments to boards, commissions, and committees with the following term expirations dates:
- | | | |
|-----------------------------|-----------------------------------|------------|
| Art & Culture Commission: | Appoint Shelley W. Holstein | 01/01/2014 |
| Art & Culture Commission: | Re-appt Virginia Niekrasz-Laurent | 01/01/2015 |
| Eureka Energy Committee | Re-appt Eli Asaria | 01/01/2015 |
| Eureka Energy Committee | Re-appt Michael Regan | 01/01/2015 |
| Housing Advisory Board: | Re-appt Laurie Sanchez | 01/01/2015 |
| Housing Advisory Board: | Appoint John Chiv | 01/01/2014 |
| Open Space & Parks | Appoint Amy Washburn | 01/01/2015 |
| Open Space & Parks | Appoint Ray Miller | 01/01/2015 |
| Parking Place | Re-appt Robert Jones | 01/01/2015 |
| Parking Place | Re-appt Rahi Maraie | 01/01/2015 |
| Planning Commission | Appoint Lee R. Ulansey | 01/01/2014 |
| Transportation Safety Com.: | Re-appt Carole Beaton | 01/01/2013 |

Transportation Safety Com.:	Re-appt Kimberley Bergel	01/01/2013
Transportation Safety Com.:	Re-appt Ron Kuhnel (Mayor)	01/01/2013

ORDINANCES/RESOLUTIONS

14. 2010 California Fire Code

Recommendation: Waive reading, read by title only, and adopt Bill No. 833-C.S., an ordinance amending Title 9, Chapter 92, Adoption of the California Fire and Life Safety Code, repealing Section 92.01 through 92.06, and replacing with new section 92.01 through 92.06, adopting by reference the 2010 California Fire Code and related model codes and appendices and amendments.
(Interim Fire Chief)

15. Water Rates

Recommendation: 1. Adopt a Resolution of the City Council establishing water fees within the City of Eureka for FY 2010-11 through FY 2014-15; or
2. Direct staff to bring back additional option for Council consideration.
(Public Works Director)

REPORTS/ACTION ITEMS

16. Sequoia Park Zoo Facility Master Plan

Recommendation: Receive Report
(Public Works Director)

CITY MANAGER/EXECUTIVE DIRECTOR'S REPORTS

Martin Slough Interceptor Project

ADJOURNMENT

If open session items cannot be completed by 9:30 P.M., the meeting may be adjourned to the next regular meeting or Council may vote to extend the meeting.

NOTICES

- The City Council agenda and supporting documents are available for public review on the Friday afternoon prior to the Tuesday meeting at the City Clerk's Office, the Eureka Humboldt County Library and on-line at www.ci.eureka.ca.gov.
- The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon the request and consensus of the Mayor and Council.
- Any writing that is a public record not exempt from public disclosure and relating to an agenda item for open session of the City Council is available for public inspection at the Office of the City Clerk, 531 K Street, Room 207, Eureka, CA 95501.
- The meeting rooms are ADA accessible. Accommodations and access to City meetings for people with special needs must be requested of the City Clerk at 441-4175 72 hours in advance of the meeting. This agenda and other materials are available in alternate formats upon request.
- All persons in attendance at public meetings are requested to observe the following rules of civil debate:
 1. We may disagree, but we will be respectful of one another.
 2. All comments will be directed to the issue at hand.
 3. Personal attacks are unacceptable.

Applauding or other displays of approval/disapproval are discouraged.

- Regular City Council/Redevelopment Agency meetings are broadcast live by Humboldt Access on Cable Channel 10. Council meetings can also be viewed on line at www.accesshumboldt.net – Search archives “Eureka City Council Meetings”.
- To minimize distractions, please be sure all personal communication devices are turned off or on silent mode.

Questions? Please e-mail ppowell@ci.eureka.ca.gov or contact the City Clerk's office at (707) 441-4175.

AGENDA SUMMARY

**RE: SHAMUS T BONES RESTAURANT COASTAL
DEVELOPMENT PERMIT. 1809 TRUESDALE, APN
007-081-035**

**FOR AGENDA DATE: JANUARY 18, 2011
AGENDA ITEM NO.:** /

RECOMMENDATION:

1. Hold a Public Hearing
2. Adopt the Findings of Fact listed in Exhibit A and approve the Coastal Development Permit subject to the Conditions of Development listed in Exhibit B

SUMMARY: The applicant, John Frame, is requesting approval of a Coastal Development Permit for the development of a restaurant on the property south of Truesdale Street and west of the Bayshore Inn addition. A restaurant has been envisioned on this property for a number of years and was included in a prior traffic analysis, and in the Local Coastal Program Amendment that set the current Commercial Service (CS) zoning. Restaurants are a conditionally permitted use in the CS zone district, and the property is located in the coastal zone, therefore, construction of the restaurant requires a conditional use permit and a Coastal Development Permit. The restaurant will be leased to Chris Berry who now owns and operates the Shamus T Bones Restaurant located in Carlotta, CA.

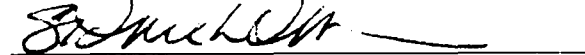
The Planning Commission held a public hearing on January 10, 2011, to consider the Conditional Use Permit for the construction of the new Shamus T Bones Restaurant. After receiving public testimony the Planning Commission took action to approve the Conditional Use Permit. The Commission's approval is subject to appeal to the City Council and if no appeal is filed before January 20, 2011, the action of the Planning Commission is final.

ATTACHMENTS:

Exhibit A	Findings of Fact	page 8
Exhibit B	Conditions of Development	page 10
Attachment 1:	Vicinity Maps	page 13
Attachment 2:	Site Plan, Floor Plan and Elevations.....	page 15
Attachment 3:	Project Description.....	page 18
Attachment 4:	Negative Archaeological Survey Report.....	page 24
Attachment 5:	Traffic Impact Study, 2005	page 27

Continued page 2

FISCAL IMPACT: None with this action.

DEPARTMENT HEAD SIGNATURE:


Sidnie L. Olson
Director of Community Development

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

REVIEWED BY:

Assistant City Manager

DATE:

1-17-2011

INITIALS:

MR

Council Action:

Ordinance No. _____

Resolution No. _____

SUMMARY (continued):

Within the city the lands generally west of Broadway, north of 3rd Street and east of Myrtle Avenue are within the California Coastal Zone. The subject property is located on the south side of Truesdale Street west of Broadway and the Bayshore Inn and is, therefore, within the Coastal Zone. The development is neither Statutorily Exempted nor Categorically Excluded from the requirement to obtain approval of a Coastal Development Permit, therefore, a Coastal Development Permit is required.

Within the Coastal Zone there are three geographic areas of permit authority:

- Where the California Coastal Commission has retained coastal permit authority. In these areas, which include all tidelands, the City has no authority for granting the Coastal Development Permit.
- Where the City has primary coastal permit authority. In these areas, the City has the primary authority to grant the Coastal Development Permit, but our actions are appealable to the California Coastal Commission.
- Where the City has sole coastal permit authority. In these areas, the City has sole jurisdiction for granting the Coastal Development Permit. There is no appeal of our action to the Coastal Commission.

The subject property is located in an area where the City has primary coastal permit authority and action by the City Council to approve the Coastal Development Permit begins a ten working day appeal period wherein the Council's decision may be appealed to the California Coastal Commission. If no timely appeal is filed with the Coastal Commission the City Council's action is final.

The Eureka Municipal Code, Section 156.107, specifies that a coastal development permit shall only be approved upon making the finding that the proposed development conforms to the policies of the certified Local Coastal Program (LCP).

The Local Coastal Program is the foundational policy document for areas of the City located in the coastal zone. It establishes farsighted policy that forms the basis for and defines the framework by which the City's physical and economic resources in the coastal zone are to be developed, managed and utilized. The Local Coastal Program is divided into two components: the Land Use Plan, which outlines the existing conditions, permitted uses, and policies needed to achieve the goals of the Coastal Act and includes the general plan map; and, the Implementation Plan, which includes zoning regulations, the zoning map and specific coastal zone ordinances to implement the policies of the Land Use Plan. The Land Use Plan must be consistent with the Coastal Act; the Implementation Plan must conform with and be adequate to carry out the policies of the Land Use Plan.

In May, 1984, the City of Eureka adopted its Local Coastal Program in accordance with the California Coastal Act, the associated Implementation Plan was passed by the City Council on December 6, 1984. In the 1990's, the City of Eureka updated its Land Use Plan through a citywide General Plan update. The City determined that the most effective way to address the separate legal requirements of State General Plan law and the California Coastal Act was to combine the goals, policies, and programs addressing these two statutes into a single, unified document. The current City of Eureka Land Use Plan, as an integral component of the citywide General Plan for Eureka, was certified by the Coastal Commission on September 9, 1998, and adopted by the City Council on February 23, 1999.

Because the Local Coastal Program Land Use Plan is integrated into the adopted General Plan reference to the "Land Use Plan" and to the "General Plan" are synonymous, unless specifically noted otherwise.

In preparing the General Plan update, the City established citywide land use designations that essentially correspond with all of the Land Use Plan designations. However, the Coastal Act requires that Local Coastal Program Land Use Plan designations include more specificity than that required by State General Plan law. Table B-1 in Appendix B of the Local Coastal Program (General Plan) shows the more detailed purpose description and use prescriptions for the Land Use Plan designations.

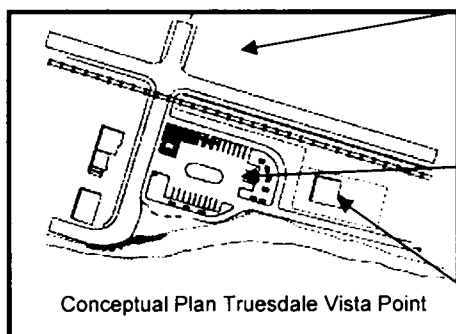
The project site has a Local Coastal Program Land Use Plan designation of General Service Commercial (GSC) which provides appropriately located areas for retail and wholesale commercial establishments that offer commodities and services required by residents of the city and its surrounding market area. Restaurants are principal uses of the GSC plan designation as identified in Appendix B, Table B-1 of the Local Coastal Program.

Staff has reviewed the proposed restaurant for consistency with the goals and policies of the adopted Local Coastal Program. Within the coastal zone, most of the goals and policies place priority on coastal dependent industrial uses such as fishing, and protecting those uses from encroachment by other uses, and on the protection of coastal resources. Other goals and policies also include preservation and development of public access to and along the shoreline.

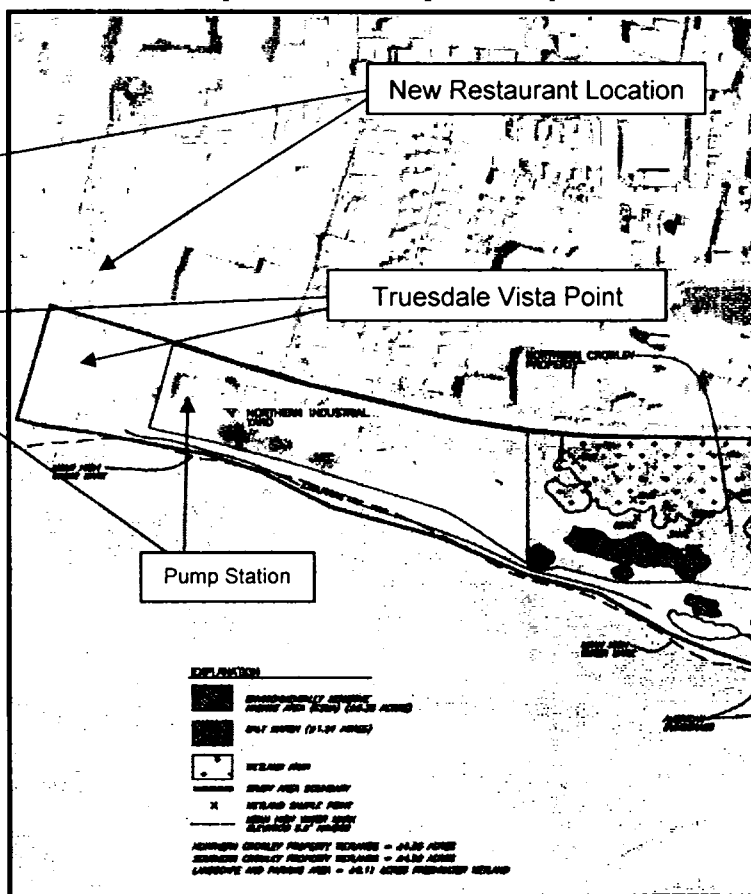
Much of the lands west of the railroad tracks in the vicinity of the project site are zoned Coastal Dependent Industrial (CDI). The Chevron bulk fuel storage facility located on Humboldt Bay (behind Rays Food Place) is a coastal dependent industrial use on land zoned CDI. The proposed restaurant will have absolutely no impact on the continued operation of the Chevron facility. There are no other coastal dependent industrial uses in the vicinity and no known impacts of the proposed Restaurant on the potential to develop coastal dependent industrial uses on lands zoned appropriately for such uses.

FOR AGENDA DATE: JANUARY 18, 2011
AGENDA ITEM NO.:
Page 4

As part of the environmental analysis for the City's Elk River/Iksori Trail project SHN Consulting Engineers conducted a Biological Assessment of the lands upon which the trail will be constructed and including the Truesdale Vista Point. The Assessment determined that there are no ESHA, salt marsh, or wetlands where the Vista Point will be constructed. The drawings below show a portion of the Wetland Delineation Map and the conceptual site plan for the Truesdale Vista Point. The wetland delineation map shows no Coastal Resources in the area.



Notwithstanding, the future Elk River/Iksori Trail project proposed at the foot of Truesdale Street will enhance the existing coastal access along Humboldt Bay, and the Truesdale Vista



Point will enhance existing public access to the shore. The purpose of the Trail Project is to enhance public access to the Elk River Wildlife Sanctuary (ERWS), Elk River estuary, and Humboldt Bay. There are no existing restaurants along the route of the Trail and the new Shamus T Bones Restaurant will complement use of the Trail by providing an easily accessible restaurant for users of the trail; and the trail will compliment the restaurant as providing an easily accessible trail for a stroll before or after a meal

The project applicant submitted with their application a detailed project description that describes the need for the restaurant and the relationship between the new restaurant and the existing Bayshore Inn, the project description is attached to this report. In summary, the applicants have conducted studies of the habits and needs of the guests of the Bayshore Inn and have determined that the new restaurant will provide a much needed amenity to the Inn, and to the greater Eureka community. The project description states:

“The conclusion from surveying thousands of guests over a period of time is that there is a void that needs to be filled to better accommodate the dining preferences of our guests. Hence, the decision to apply for a permit to build a restaurant that will better serve this need.”

In addition to the Bayshore Inn, the proposed Shamus T Bones Restaurant will provide additional and complementary services for patrons of the Bayshore Mall located directly across the street from the new restaurant as there are no restaurants, per se, in the Bayshore Mall and this new restaurant will fill that void.

In 2006 the Coastal Commission certified the City’s amendment to our adopted Local Coastal Program to change the zoning and general plan for the property from industrial to commercial to facilitate the expansion of the Bayshore Inn and to facilitate the development of the proposed restaurant. At that time, two potential impacts were identified that might result from the construction of a restaurant west of the Bayshore Inn but an analysis of those potential impacts was deferred unless and until an actual application for a restaurant was received by the City. The potential impacts identified in 2006 affect traffic/circulation and archaeological/cultural resources.

A referral for this project was sent to Caltrans and to the City’s Engineering Department, Traffic Division for their comments on anticipated traffic and/or circulation issues. Both Caltrans and the City determined that the prior traffic study prepared in 2005 did include the proposed restaurant and that the conclusion of that traffic study that no adverse impacts would result is still valid. No additional traffic studies or reports were required. The 2005 Traffic Impact Study is attached to this report.

With regard to the concern that cultural and archaeological resources, which are known to be present in the area, would be impacted – the Applicant hired Roscoe & Associates to conduct an archaeological survey of the property. The survey was completed and a report generated by Roscoe & Associates dated November 20, 2010, concludes that the project will not impact any archaeological resources. Because of the confidentiality laws concerning release of detailed archaeological information, only the Summary of Findings of the Archaeological Survey is attached hereto. The Survey includes recommendations for actions that should be taken if cultural or archaeological artifacts are inadvertently discovered. These recommendations have

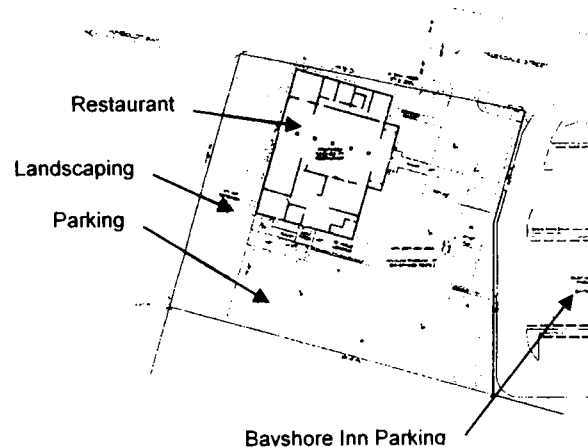
been included as Conditions of Development in Exhibit B.

The application was sent to agencies with interest or jurisdiction over the project, including City Departments, utility providers, Caltrans, Coastal Commission, North Coast Unified Air Quality Management District, Regional Water Quality Control Board, and local Tribes. The City Building and Fire Departments indicated that their requirements will be dealt with during the building permit review. The City Engineering Department will also review the grading and drainage plan, utility plan, and identify required street improvements (if any) as part of the building permit review. No Agency or City Department requested that specific conditions be included in the project approval and no other Agency or City Department identified any issues or impacts that would result as a result of construction of the Shamus T Bones Restaurant.

The Local Coastal Program, Implementation Plan (Coastal Zoning Regulations) specifies the development standards for yards, building height, size, and bulk, off-street parking and loading, landscaping, etc. The Community Development Department reviewed the proposed project for compliance with the development standards and determined that the project does comply with all standards.

The construction of the approximately 7,646 square foot restaurant requires the development of 38 off-street parking spaces. The site plan indicates that 39 spaces are proposed. The Loading Space Regulations do not require that the restaurant have a dedicated loading space, although one is shown.

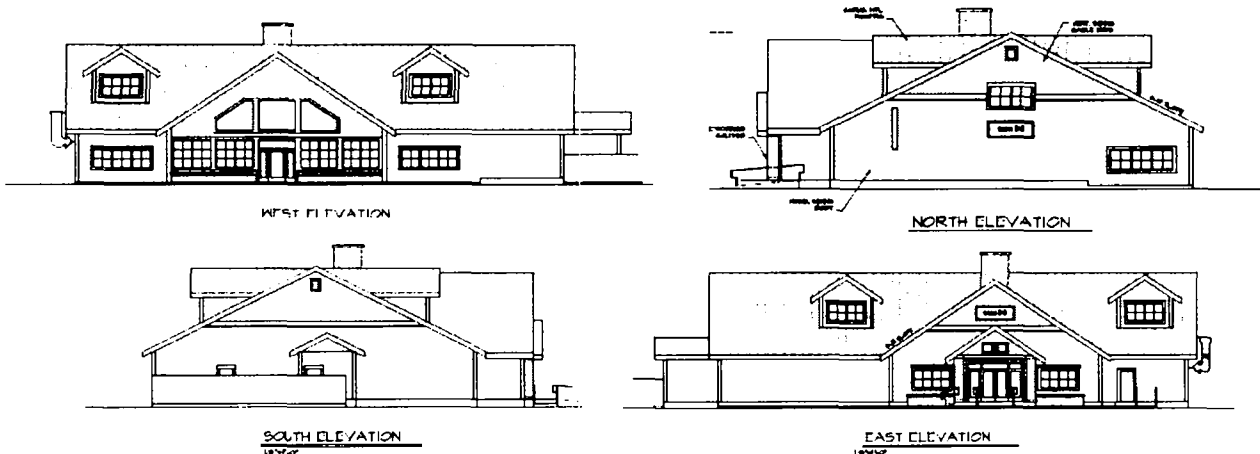
The parking lot will have over 10% interior landscaping where the Code requires 4%, and there will be a 40' wide landscape area along the entire west side of the property parallel to the railroad tracks. The change from a vacant lot to the proposed restaurant with the additional landscaping will improve the appearance of the site and the vicinity and thereby enhance the appearance of the city.



The Eureka Municipal Codes specifies that all conditionally permitted uses require Architectural Review and commercial uses require Site Plan Review; both of these reviews are under the umbrella of Design Review. The proposed signs will require a Sign Permit. All of these will be reviewed and acted upon by the Design Review Committee. An application for Design Review has already been submitted to the Department and is waiting scheduling before the Design Review Committee pending the action of the City Council on the Coastal Development Permit. Because the Design Review application has already been submitted, there is no need to add a condition of approval requiring Design

Review.

The proposed façades of the new restaurant are depicted below. The west elevation will face Humboldt Bay and the Truesdale Vista Point; the south elevation will face the new parking lot; the north elevation will face Truesdale and the Bayshore Mall; and, the east elevation will face the Bayshore Inn.



ENVIRONMENTAL:

The decision to approve or conditionally approve the Coastal Development Permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA). However, the project qualifies for a Class 3 exemption from CEQA which exempts the new construction of small structures. In urbanized areas this includes the construction of commercial buildings not exceeding 10,000 square feet – the proposed restaurant is less than 8,000 square feet.

SUMMARY:

- The proposed Shamus T Bones Restaurant is a principal use of the GSC Land Use Plan designation. Restaurants are specifically listed as a conditionally permitted use in the CS zone district and on January 10, 2011, the Planning Commission approved the Conditional Use Permit.
- The design, location, height, bulk, parking, loading, landscaping, yards, etc., of the project conform to the development standards of the Coastal Zoning Regulations.
- The project is in conformance with the goals and policies of the adopted Local Coastal Program Land Use Plan.
- Conditions of Development have been included to assure compliance with the recommendations of the Archaeological Survey should archaeological or cultural finds be inadvertently discovered.

Staff recommends the City Council adopt the Findings of Fact listed in Exhibit A and approve the Coastal Development subject to the Conditions of Development listed in Exhibit B.

EXHIBIT A
FINDINGS OF FACT

The decision of the City Council to approve the Coastal Development Permit was made after careful, reasoned and equitable consideration of the evidence in the record, including, but not be limited to: written and oral testimony submitted at the public hearing; the staff report; site investigation(s); agency comments; project file; and, the evidence submitted with the permit application. The findings of fact listed below “bridge the analytical gap” between the raw evidence in the record and the City Council’s decision.

1. Restaurants are a conditionally permitted use in the CS zone district, and the property is located in the coastal zone, therefore, construction of the restaurant requires a conditional use permit and a Coastal Development Permit.

2. The Planning Commission held a public hearing on January 10, 2011, to consider the Conditional Use Permit for the construction of the new Shamus T Bones Restaurant. After receiving public testimony the Planning Commission took action to approve the Conditional Use Permit.

3. The subject property is located in an area where the City has primary coastal permit authority and the action of the City Council is appealable to the California Coastal Commission.

4. The project site has a Local Coastal Program Land Use Plan designation of General Service Commercial (GSC) and restaurants are principal uses of the GSC plan designation as identified in Appendix B, Table B-1 of the Local Coastal Program.

5. The proposed restaurant will have absolutely no impact on the continued operation the one existing coastal dependent industrial use in the vicinity (i.e., Chevron Bulk Fuel facility). There are no other coastal dependent industrial uses in the vicinity and no known impacts of the proposed Restaurant on the potential to develop coastal dependent industrial uses on lands zoned appropriately for such uses.

6. The subject property has no habitat for threatened or endangered species and contains no Environmentally Sensitive Habitat Areas (ESHA), and there are no such resources in the vicinity of the project.

7. The project site has no frontage on Humboldt Bay and, therefore, there is no shoreline access across or along the property.

8. A referral for this project was sent to Caltrans and to the City’s Engineering Department, Traffic Division for their comments on anticipated traffic and/or circulation issues.

Both Caltrans and the City determined that the prior traffic study prepared in 2005 did include the proposed restaurant and that the conclusion of that traffic study that no adverse impacts would result is still valid. No additional traffic studies or reports were required.

9. With regard to the concern that cultural and archaeological resources, which are known to be present in the area, would be impacted – the Applicant hired Roscoe & Associates to conduct an archaeological survey of the property. The survey was completed and a report generated by Roscoe & Associates dated November 20, 2010, concludes that the project will not impact any archaeological resources. The recommendations of the Survey are included as conditions of project development.

10. The application was sent to agencies with interest or jurisdiction over the project, including City Departments, utility providers, Caltrans, Coastal Commission, North Coast Unified Air Quality Management District, Regional Water Quality Control Board, and local Tribes. No Agency or City Department identified any issues or impacts that would result as a result of construction of the Shamus T Bones Restaurant.

11. The Local Coastal Program, Implementation Plan (Coastal Zoning Regulations) specifies the development standards for yards, building height, size, and bulk, off-street parking and loading, landscaping, etc. The Community Development Department reviewed the proposed project for compliance with the development standards and determined that the project does comply with all standards.

12. The decision to approve or conditionally approve the Coastal Development Permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA). However, the project qualifies for a Class 3 exemption from CEQA which exempts the new construction of small structures. In urbanized areas this includes the construction of commercial buildings not exceeding 10,000 square feet – the proposed restaurant is less than 8,000 square feet.

EXHIBIT B
CONDITIONS OF DEVELOPMENT

The development approved under the Coastal Development is conditioned upon the following:

1. Inadvertent Discovery of Cultural Resources

If cultural resources, such as chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)), Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action.

Prehistoric materials which could be encountered include: obsidian and chert flakes or chipped stone tools, grinding implements, (e.g. , pestles, handstones, mortars, slabs), bedrock outcrops and boulders with mortar cups, locally darkened midden, deposits of shell, dietary bone, and human burials. Historic materials which could be encountered include: ceramics/pottery, glass, metal, can and bottle dumps, cut bone, barbed wire fences, building pads, structures, trails/roads, railroad rails and ties, trestles, etc.

2. Inadvertent Discovery of Human Remains

If human remains are discovered during project construction, work will stop at the discovery location. Provisions of the Public Resource Code Sections 7050.5, 5097, 5097.98 will be followed.

3. State Public Resources Code

If human remains are discovered during project construction, work will stop at the discovery location within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant or the descendant fails to make a recommendation.

The following text details procedures for treatment of an inadvertent discovery of Human Remains:

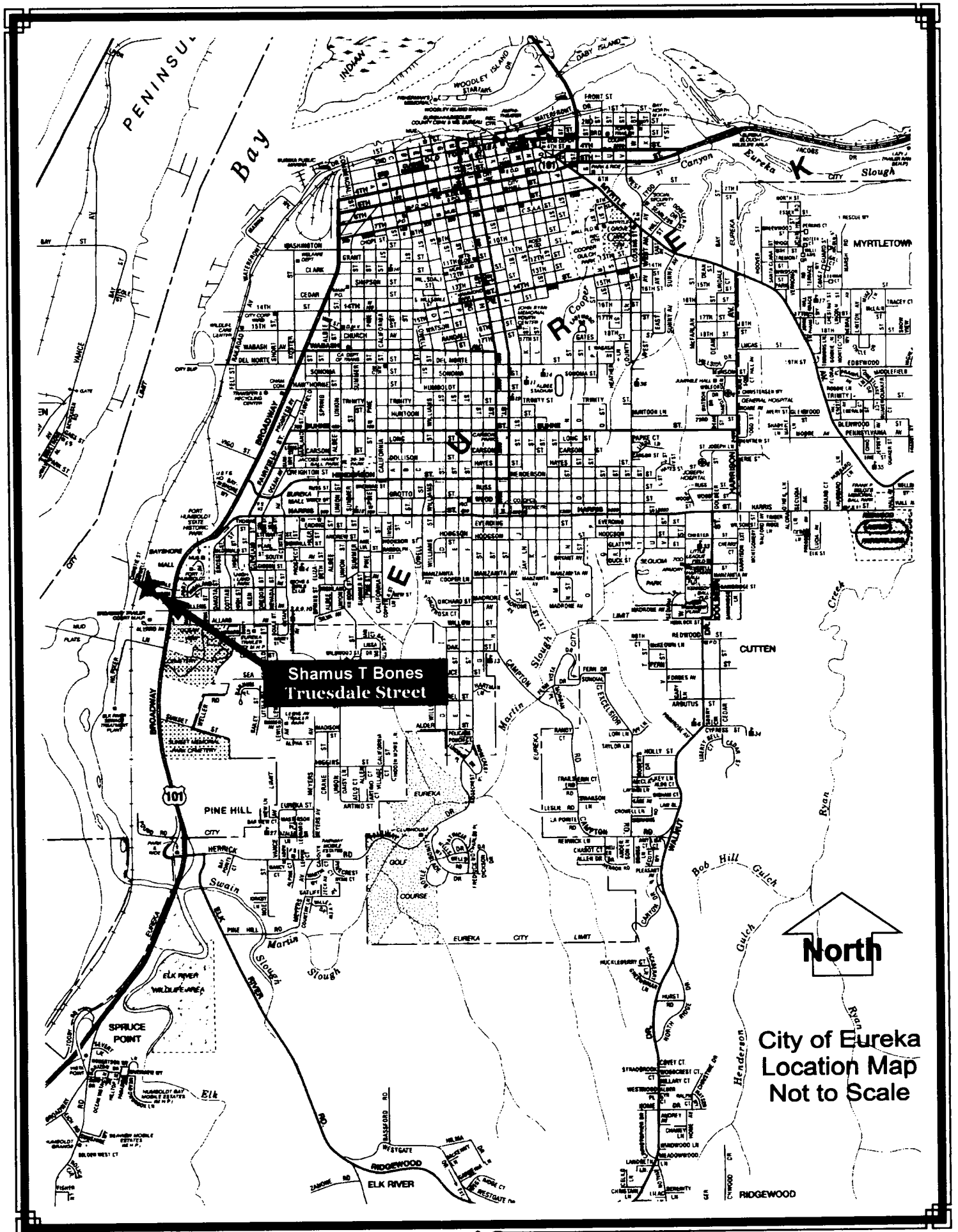
1. Immediately following discovery of known or potential human remains all ground-disturbing activities at the point of discovery shall be halted,
2. No material remains shall be removed from the discovery site, a reasonable exclusion zone shall be cordoned off,
3. John Frame, property owner shall be notified and Mr. Frame shall contact the county coroner.
4. It is highly recommended that Mr. Frame retain the services of a professional archaeologist to immediately examine the find and assist the process.
5. All ground-disturbing construction activities in the discovery site exclusion area shall be suspended.
6. The discovery site shall be secured to protect the remains from desecration or disturbance, with 24- hour surveillance, if prudent.
7. Discovery of Native American remains is a very sensitive issue, and all project personnel shall hold any information about such a discovery in confidence and divulge it only on a need-to-know basis.
8. The Coroner has two working days to examine the remains after being notified. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Council (NARC) in Sacramento (telephone (916) 653-4082).
9. The NARC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) of the deceased Native American.
10. Within 24 hours of their notification by the NARC, the MLD shall be granted permission by the landowner's authorized representative to inspect the discovery site, if they so choose.
11. Within 24 hours of their notification by the NARC, the MLD shall recommend to the landowner means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The Recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials.
12. Whenever the NARC is unable to identify a MLD, or the MLD identified fails to make

**RE: SHAMUS T BONES RESTAURANT COASTAL
DEVELOPMENT PERMIT. 1809 TRUESDALE, APN 007-
081-035**

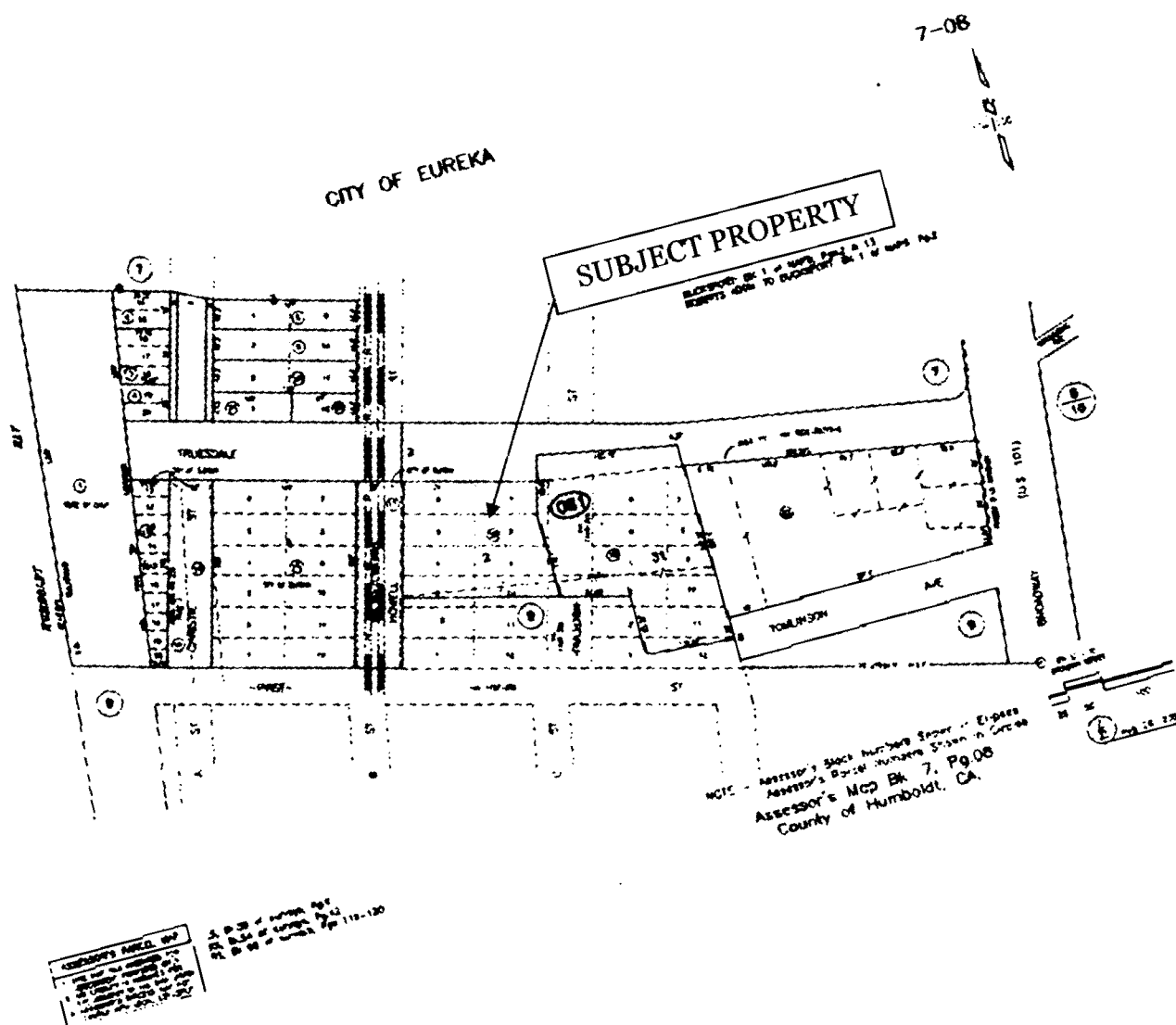
FOR AGENDA DATE: JANUARY 18, 2011
AGENDA ITEM NO.:
Page 12

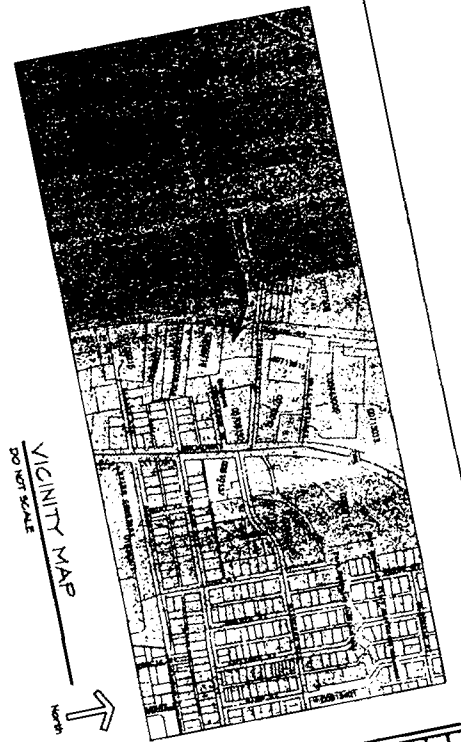
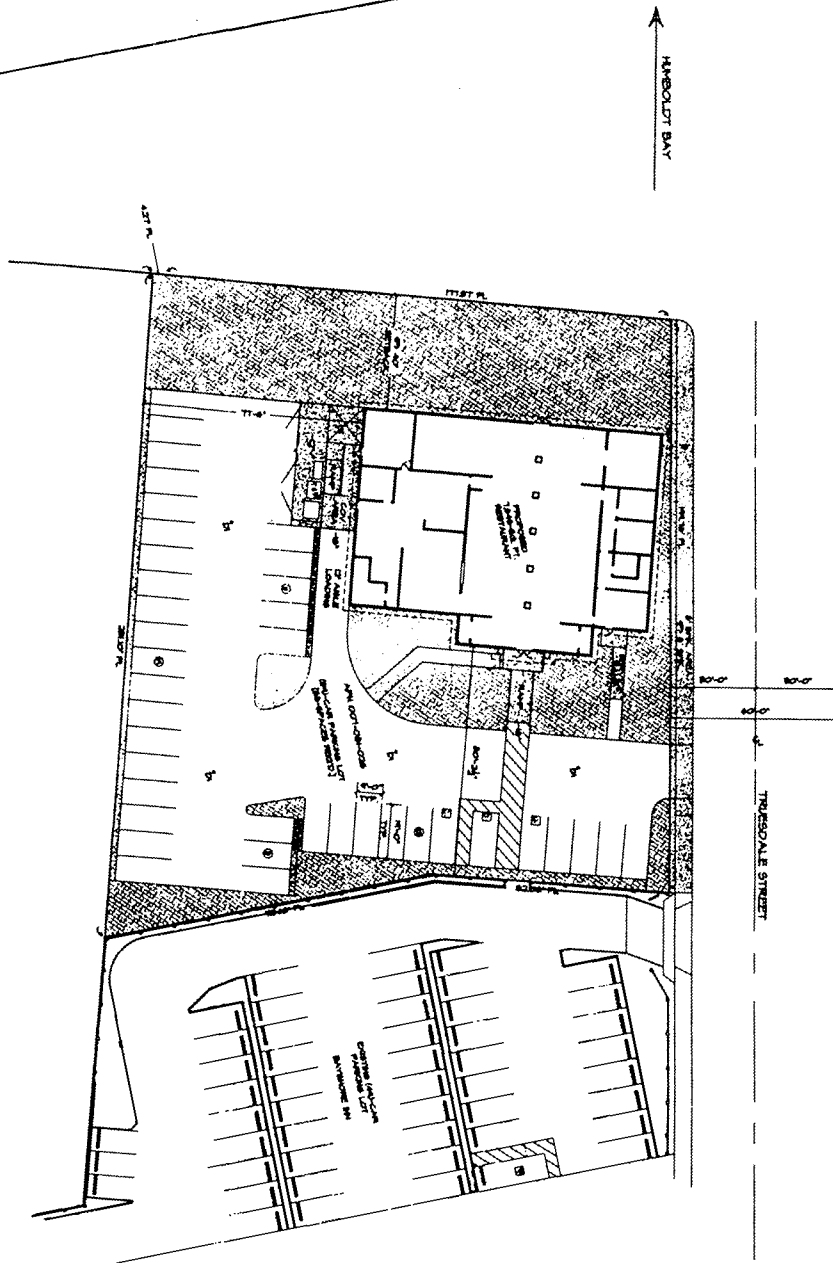
a recommendation, or the landowner or his/her authorized representative rejects the recommendation of the MLD and mediation between the parties by the NARC fails to provide measures acceptable to the landowner, the landowner or his/her authorized representatives shall re-inter the human remains and associated grave offerings with appropriate dignity on the property in a location not subject to further subsurface disturbance.

13. Following final treatment measures, Mr. Frame shall ensure that a report is prepared that describes the circumstances, nature and location of the discovery, its treatment, including results of analysis (if permitted), and final disposition, including a confidential map showing the reburial location. Appended to the report shall be a formal record about the discovery site prepared to current California standards on DPR 523 form(s). Mr. Frame shall ensure that report copies are distributed to the NCIC, NARC and MLD.



LOCATION MAP SHAMUS T BONES RESTAURANT TRUESDALE STREET





SITE PLAN
1"=20'-0"

15

1

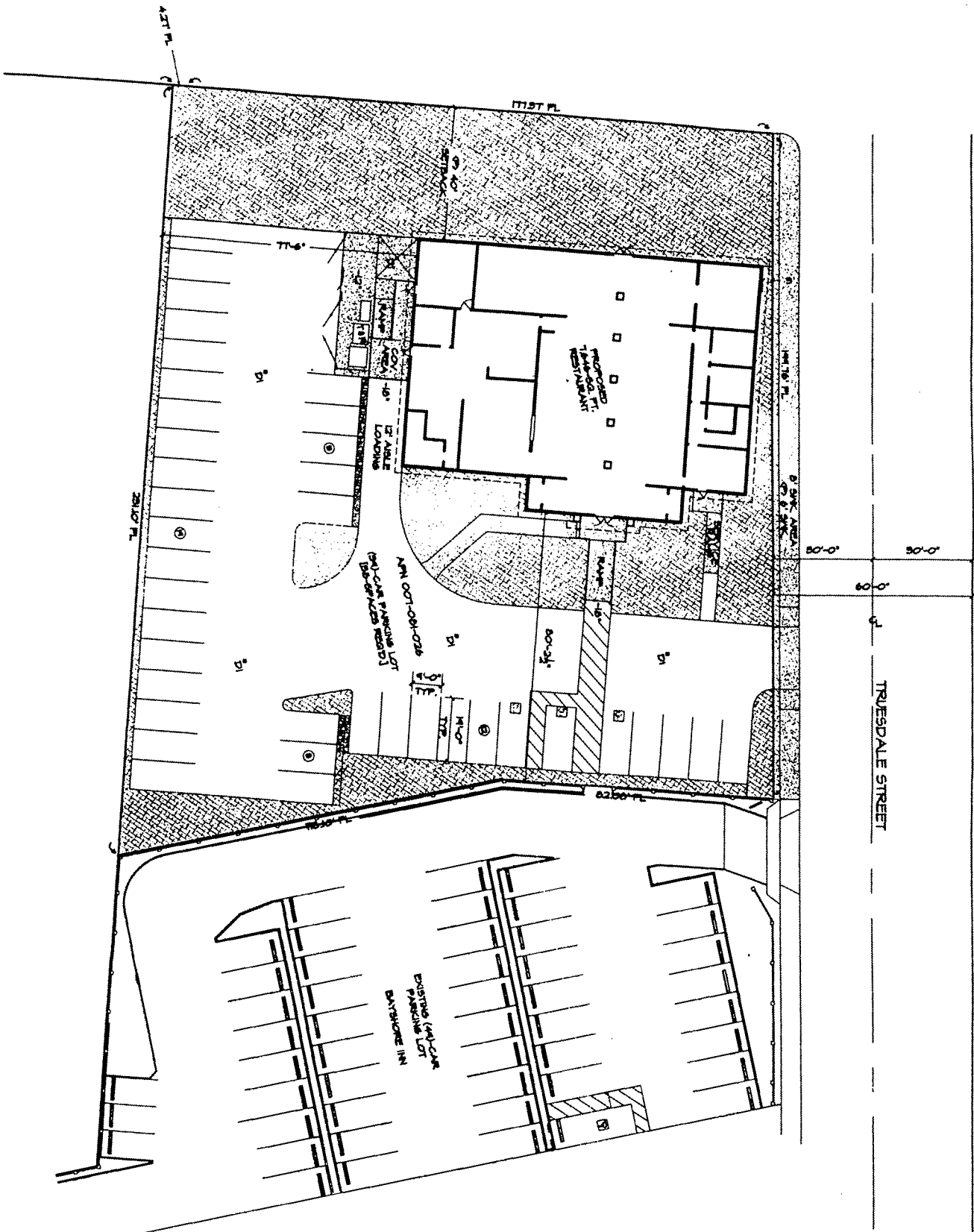
SHAMUS T BONES
PRELIMINARY SITE PLAN

SJA

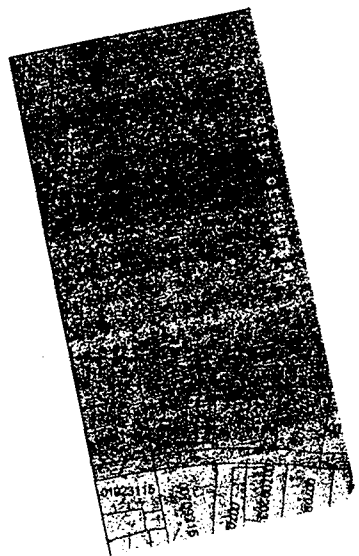
Atkins Drafting ~ Sarah J. Atkins
3123 W STREET KUREKA CA 96503 (707) 478-0663

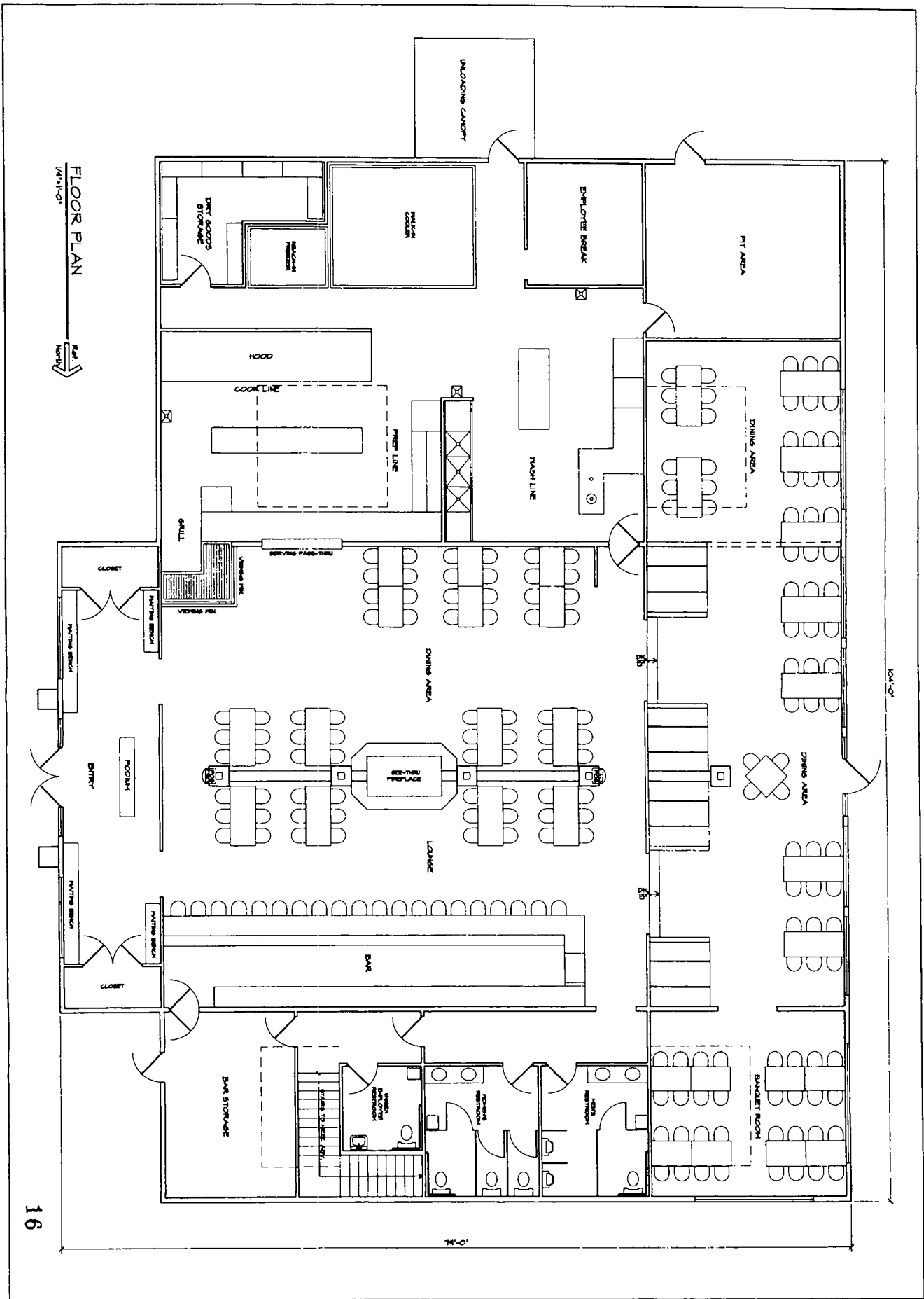
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HUMBOLDT BAY



SITE P1

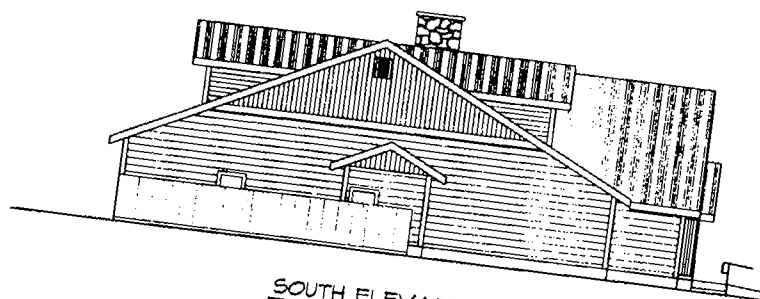




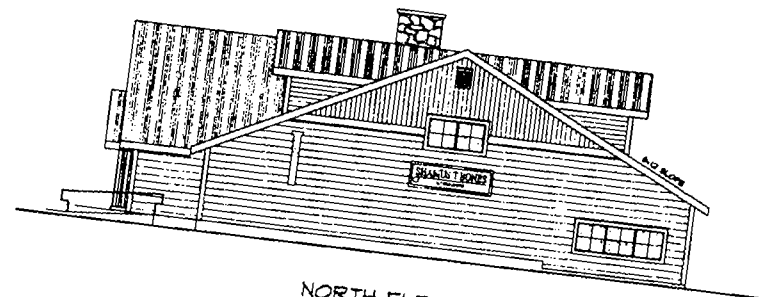
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WEST ELEVATION
1/8"=1'-0"



SOUTH ELEVATION
1/8"=1'-0"



NORTH ELEVATION
1/8"=1'-0"



EAST ELEVATION
1/8"=1'-0"

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3125 31 STREET BUREAU, CA 95003 (707) 478-0463

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SHAMUS T HONES

PRELIMINARY ELEVATIONS

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3

SHAMUS T BONES RESTAURANT

A NEW PROJECT

BY

FRAME & WESTON, LLC

OWNERS

BEST WESTERN BAYSHORE INN

OVERVIEW

The Best Western Bayshore Inn has a demonstrated history of determining hospitality needs of Humboldt County and then creating projects to meet those needs.

When the first phase of the Bayshore Inn was developed the purpose was to provide a visitor experience that more closely reflected the sense of Eureka as a Victorian sea port with unique qualities and travel opportunities. The upscale quality and Victorian theme of the Bayshore Inn combined with excellent client service made the project a success from the day of its opening. It soon became clear that the demand for such an experience was much greater than the capacity of the facility. The owners began planning an expansion of the Bayshore Inn that would better accommodate the growing demand for this type of traveling and lodging experience. The Bayshore Inn offered bay views from the west side accommodations. One concern was how to expand without taking that much appreciated view away. The solution was to create an interior garden between the existing facility and the new wing. The garden concept was expanded with a continual flowing stream terminating into a large pool with Koi for visitors to enjoy. The concept was such a success that even before the new wing was opened in the fall of 2009 visitors were asking how could gain access to the area.

When the addition to the Bayshore Inn was opened to the public in September of 2009 it was soon filled to capacity.

During the evolution of the Bayshore Inn it became increasingly clear that a nearby quality dining experience for visitors was lacking. Although there are a few quality restaurants in Eureka they are primarily located in Old Town. Visitor surveys indicate that many visitors would like to have a quality dining experience available that does require them to get back in their car and drive. It was also determined that visitors would like to have a greater diversity of cuisine than what is currently available.

Visitor surveys indicate that there are very limited choices available for a good steak, prime rib, and seafood restaurant that are a short driving distance from the Bayshore Inn. Surveys have also determined that our guests would prefer not to drive very far to a restaurant and, in fact, would prefer not to drive at all. Considering that most guests have been in a car all day that is understandable. It has also been determined that during the tourist season the few quality restaurants available in Eureka have, much like the Bayshore Inn, a greater demand for their services than they have capacity. This often leads to a frustrating visitor experience in terms of waiting times for reservations or the inability to obtain a reservation at restaurants of choice. This is particularly true during times of special events.

The conclusion from surveying thousands of guests over a period of time is that there is a void that needs to be filled to better accommodate the dining preferences of our guests. Hence, the decision to apply for a permit to build a restaurant that will better serve this need.

One of the attractions most popular with guests is Humboldt Bay with its natural beauty and diversity of wildlife. Given this unique attraction it is noteworthy that bay view dining opportunities are nearly non-existent. It is our intention not only to provide such an experience but also to add diversity to the dining experience in Eureka that does not presently exist.

The Bayshore Inn is the recipient of Directors Awards from Best Western and has received many other forms of recognition for the quality lodging experience it provides. One example follows.

Best Western named 'Best of the Best'

Times Standard – January 14, 2007

EUREKA - The Best Western Bayshore Inn and Marie Calendar's Restaurant was named Best of the Best in overall quality at the 2006 Best Western International Conference.

The coveted award was presented in front of nearly 2000 industry peers recently at the conference in Grapevine, Texas. The honor is given to properties who garner two perfect corporate inspection scores. The Best Western Bayshore Inn was one of only 27 hotels of 4000 Best Westerns worldwide, to achieve this recognition.

"The Best of the Best Awards recognize those Best Western hotels that truly demonstrate the highest levels of quality and service," said Emily Manfredonia, manager of the Eureka property. "We are so proud that our hotel and staff have been recognized for giving our guests an incredible experience when visiting or doing business in our beautiful city."

Only the lack of a high quality bay view dining experience within walking distance keeps our guests from having a complete visitor experience.

The proposed new restaurant will be the only one of its kind on the North Coast. It will be rather rustic in appearance on the outside. On the inside, the restaurant will offer a large double fireplace and a choice of private booths or more open family style tables. The restaurant will provide a large full bar with unique features as well as a cocktail lounge. Most of the dining room and lounge will present a bay view for guests.

The menu and method of preparation for dining choices will be a departure from what is currently offered on the North Coast. Dining choices will include an oyster bar, BBQ chicken and pork, ribs, a large selection of beef cuts including prime rib, and a complete salad bar. Included among other unique food preparations will be a wood fired grill for select choices of steaks, chops, and fish. Visitors to the area welcome an opportunity to sample fresh seafood and will be offered not only fresh local seafood but a variety of other seafood not available in this area. The restaurant will offer lunch and dinner to North Coast visitors every day of the year.

We believe that Eureka visitors and area residents will welcome a restaurant as envisioned and we know the Bayshore Inn guests will. The Bayshore Inn will have 90% or higher occupancy this year and will be able to send an average of 100 guests to the restaurant most nights.

The restaurant will be leased to Chris Berry who now owns and operates the Shamus T Bones Restaurant in Carlotta, California. Even in a relatively remote location the restaurant is beyond capacity many nights and guests must wait for reservations or are turned away as a result of its popularity. Mr. Berry believes, and we share his belief, that the Bayshore Inn bay site is one of the best locations in the entire area for a new restaurant. The new restaurant and the Bayshore Inn will partner to use the Bayshore Inn Banquet Room for parties and banquets. Further expanding this hospitality service the restaurant will offer catering to other locations. Shamus T. Bones has established a reputation for high quality barbeque and grilled steaks. Like the Bayshore Inn the quality and uniqueness of the restaurant have been recognized and articles about it have appeared in

travel and dining publications. The portions are hearty and the service is warm and friendly without being pretentious or aloof. The atmosphere is lively, entertaining, and interesting. The décor is unique with many things to look at throughout and a lot of risible action both in the kitchen and in the dining and bar areas. The décor for the new restaurant is planned to be similar to the restaurant in Carlotta. It will be rustic and at the same time rich without seeming contrived. The restaurant was purposefully designed to stimulate all senses. The casual and lively, yet upscale, feel make it a great place for birthday parties, special events, and family celebrations. Currently the restaurant has about five birthday parties on any busy night. The new location on the Bayshore Inn site will expand this type of activity considerably as a result of its association with the Bayshore Inn and its accessibility to the greater Eureka area. The combination of great atmosphere and high quality food at an affordable price has made the Shamus T Bones in Carlotta very popular and successful. It is clearly a recipe that works in Humboldt County and the theme will be greatly expanded at the Bayshore Inn site.

SITE HISTORY

The restaurant site and the area around it have experienced commercial/industrial use for many decades.

Prior to the construction of the Bayshore Inn the property had a restaurant, an old house that had been converted to a U.S. Cellular office, a recreational vehicle repair shop, and a large industrial building consisting of about 15,000 square feet.

When the first phase of the Bayshore Inn began in 2004 the restaurant was moved because the City of Eureka deemed it historically significant. The U.S. Cellular building and the R.V. repair center were razed. The industrial building has since been remodeled and remains on the property.

During the course of construction hundreds of yards of dredge material was brought onto the site and used as fill material.

ARCHAEOLOGICAL SENSITIVITY

Following the beginning of construction for the first phase of the Bayshore Inn it became apparent that there were archaeological concerns related to the site. The Wiyot Tribe expressed concerns which resulted in a meeting with City of Eureka staff and representatives of the Wiyot Tribe. Following that meeting there was a series of discussions between the Wiyot Tribe and the Bayshore Inn Owners. A synopsis of the resolution was that the historical use of the site rendered the future discovery of archaeological significance during the course of construction extremely improbable. Further, that if should any such discovery occurred the Wiyot Tribe would be notified immediately. That was never necessary.

The course of construction for the Bayshore Inn addition during 2008 and 2009 used the same techniques as were used during the first phase. During that time several hundred yards of fill material were distributed across the construction site as well as to the west where the restaurant is planned thereby raising the grade further above any native soils.

There were no archaeological issues during the construction of the Bayshore Inn expansion. Following the opening of the Bayshore Inn addition a landscape irrigation system on the proposed restaurant site and around the aforementioned industrial building was put in. During this process a member of the Wiyot Tribe filed a complaint with the City of Eureka with the result that a stop work order was issued. It is not clear why the complaint was filed since construction activity had been taking place for many months prior with no expression of concern related to archaeological

sensitivity. The result of the stop work order was that Busch Geotechnical was hired to examine the site for native soils or other native materials. Jamie Roscoe, an archaeologist associated with HSU, was also hired to examine the site. Both of these professionals concluded that no native soils were present in the excavated areas. In part, Mr. Busch wrote to the City of Eureka on July 15, 2009,

“ 1. Based on my inspection of the trenches I can unequivocally state that the original ground surface is not present on the property. Decades in the past, the property owners prior to the present owners of the Best Western Bayshore Inn graded the property to an essentially flat, stripped, artificial surface. In so doing, they removed the vegetation, low fine-grained sand dunes, dark organic-rich silty sand topsoil, and any cultural relicts that might have been present on the ground surface (if any). **2. Unquestionably, those owner/developers (the ones prior to the current Bayshore Inn owners) hauled the excavated materials offsite, as the fill soils overlying the resultant stripped, artificial surface are imported coarse sandy gravels and, in places, angular cobbles.** That is, the fill materials are not compacted dune sands, which would have been consistent with re-use of the original excavated soil.

3. That previous developer graded down through the original surface deeply enough to have removed nearly all vestiges of the vegetation and topsoil associated with that original surface. That is, dead roots and root casts are extremely rare in all of the soils present below the fills—even in the silty soils. This suggests that the excavation equipment removed many feet of soil while grading off the original surface. The type of overlying fill (rocky) suggests that the developer of the property prior to the Best Western Bayshore Inn owners then brought in (imported) rock to strengthen the surface to support heavy machinery.

Mr. Roscoe reached similar conclusions and wrote those findings to the City of Eureka. The stop work order was removed and the trenching and irrigation was completed.

The aforementioned buildings on the site have resulted in underground utilities, drainage culverts, cut and fill for parking and foundations, and many other activities that placed any native soils well below any excavation anticipated during the construction of the new restaurant.

The grade of the site is such that about two feet of fill will be required over most of the restaurant site to achieve the desired grade. This fill will add to the fill spread over the site during the construction of the second phase of the Bayshore Inn over the course of the past two years. While little excavation is anticipated it is known that whatever excavation is necessary will not reach native soils or depths of previous excavations that has occurred over a period of decades.

Applicant does not believe there are archaeological issues on the proposed restaurant site.

TRAFFIC IMPACT

When Applicant began in 2006 the process to change the zoning of the Bayshore Inn property to CS all documents stated that the purpose was to expand the Bayshore Inn and to construct a new restaurant. W-Trans was hired to accomplish the required traffic study. That study was completed and submitted to all appropriate agencies. The conclusion was that the proposed expansion of the Bayshore Inn and construction of a restaurant either had no significant impact or that any necessary mitigation had been accomplished. Without exception all the documents submitted during the zoning change and permitting process coupled the Bayshore Inn and the restaurant. These

documents include the California Coastal Commissions review of the matter on July 10, 2006 wherein it was stated,

“The property owners have indicated to the City that they wish to expand the existing hotel located east of the site on to the subject property, remodel an existing commercial building on the site, and build a new restaurant. The owners state the following in their application to the City:

"The owners propose to build an upscale addition to the Bayshore Inn featuring luxury rooms with fireplaces, spa tubs and wet bars offering beautiful views of Humboldt Bay and the Pacific Ocean.. The 81 rooms in the Bayshore Inn fill almost every day of the year and the Hotel is forced to turn business travelers and tourists away on an almost daily basis. In addition to the proposed Victorian Hotel expansion, our project will include a new first class wood fired grilled steak, seafood, and California cuisine restaurant which will also include outstanding Humboldt Bay and Pacific Ocean Views.“

It follows that any traffic impacts were fully studied and the required approving agencies were satisfied that there was no significant traffic impact or that any traffic issues had been sufficiently mitigated.

Applicant does not believe there are any significant traffic issues related to the restaurant.

CONCLUSION

Applicant believes the proposed project will bring many benefits to Eureka and the surrounding area.

The aesthetics of the site will be greatly improved and this is of particular value since it enhances the visitor experience for those who travel great distances to experience the beauty of this area.

The construction of the project will create local jobs and the acquisition of materials. A large amount of the money spent for the process will flow back into the local economy.

Long term the revenue from the operation of restaurant will generate new income for the City of Eureka and the local economy.

The project will expand the diversity of Eureka and contribute to the expanding tourism industry.

Thank you for your consideration of our application.

John Frame

**NEGATIVE ARCHAEOLOGICAL SURVEY REPORT:
SHAMUS T BONES PROJECT,
CITY OF EUREKA, HUMBOLDT COUNTY, CALIFORNIA**

Prepared by:

Donald Verwayen, Jerry Rohde, William Rich, and James Roscoe
Roscoe & Associates
Cultural Resources Consultants
3781 Brookwood Drive
Bayside, California 95524

Prepared for:

John Frame
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Trinidad, California 95570



Location and Keywords:

APN 007-081-026; USGS 7.5' Eureka, California Topographic Quadrangle (1958, PR 1972), T5N/R1W, HBM; Broadway/US 101, Waterfront Drive, Del Norte Street, Wabash Avenue, Vigo Street, Bayshore Way, Truesdale Avenue, McCullens Avenue, Hilfiker Lane, Bayshore Mall, Price-Costco; CA-HUM-73 (Kutsuwahlik), CA-HUM-70 (Tolokolil, Toklokolil), CA-HUM-71 (Wotsatklik), CA-HUM-77 (Iksori), Historic Bucksport Townsite (ca. 1850-1870), Historic Wiyot Community at Bucksport (ca. 1883-1937), CA-HUM-857H (Historic Eureka Town Dump).

November 20, 2010

CONFIDENTIALITY NOTICE

Archaeological locations are considered confidential and public access to such information is restricted by law (Section 304 of the National Historic Preservation Act; Section 9(a) of the Archeological Resources Protection Act; Executive Order 13007; Section 6254.10 of the California State Government Code).

The following item contained in this report should not be released to the public:
CONFIDENTIAL APPENDIX D.

Cover Photograph

Overview of the Shamus T Bones restaurant site, a completed Trench 1, and the commencement of Trench 2.

SUMMARY OF FINDINGS

The Shamus T Bones Project is near previously recorded Wiyot habitation sites and historic sites eligible for the California Register of Historic places; however, no previously recorded sites were located within the APE (Area of Potential Effect) nor were any significant features identified during this investigation, which included subsurface backhoe testing. The scope of this study was limited to the boundaries of the APE. In consultation with the Blue Lake Rancheria, the Bear River Band (Rohnerville Rancheria), and the Table Bluff Wiyot Reservation, it is recommended that future excavations within the APE such as for foundations and utilities be monitored by a representative of the Wiyot Tribe. No further archaeological studies are recommended at this time. However, there is a possibility that cultural resources, including buried archaeological materials, do exist in the area and may be uncovered during proposed project activities. Section 5 of this report contains Protocols for Inadvertent Discoveries.



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Bayshore Inn Expansion Traffic Impact Study

for the

City of Eureka

October 24, 2005

REVISED

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Appendices

- A Level of Service Calculations
- B Letter from General Growth Properties, Inc., to the City of Eureka (May 5, 2005)

Introduction and Study Parameters

Introduction

This report presents an analysis of the potential traffic impacts that would be associated with the proposed expansion of the Bayshore Inn and the construction of a new restaurant on Truesdale Street in the City of Eureka. The traffic study was completed in accordance with the criteria established by the City of Eureka and Caltrans, and is consistent with standard traffic engineering techniques. An analysis is provided of traffic operation and potential impacts under Existing, Existing plus Project, Future (20-year horizon) and Future plus Project volumes.

Prelude

The purpose of a traffic impact study is to provide City staff and policy makers such as Planning Commissioners and Council Members with data that they can use to make an informed decision regarding the potential traffic impacts of a proposed project, and any associated improvements that would be required in order to mitigate these impacts to a level of insignificance as defined by the City's *General Plan* or other policies. Traffic impacts are typically evaluated by determining the number of trips the new use would be expected to generate, distributing the new trips to the surrounding street system based on existing travel patterns or anticipated travel patterns specific to the proposed project, and then by analyzing the impact the new traffic would be expected to have on critical intersections included in the study area.

Project Profile

The Bayshore Inn sits on the south side of Truesdale Street across from the Bayshore Mall, near the intersection of Broadway/Truesdale Street. The project site is located on the west side of the Bayshore Inn and currently consists of vacant land and a Redwood Coast Cellular business. The proposed project consists of the addition of 51 rooms to the Bayshore Inn and the construction of a 6,400 square foot restaurant. The project includes two new parking lots which would hold a total of 88 vehicles. Three new driveways would provide access to the project, with one located on Tomlinson Avenue and the other two on Truesdale Street.

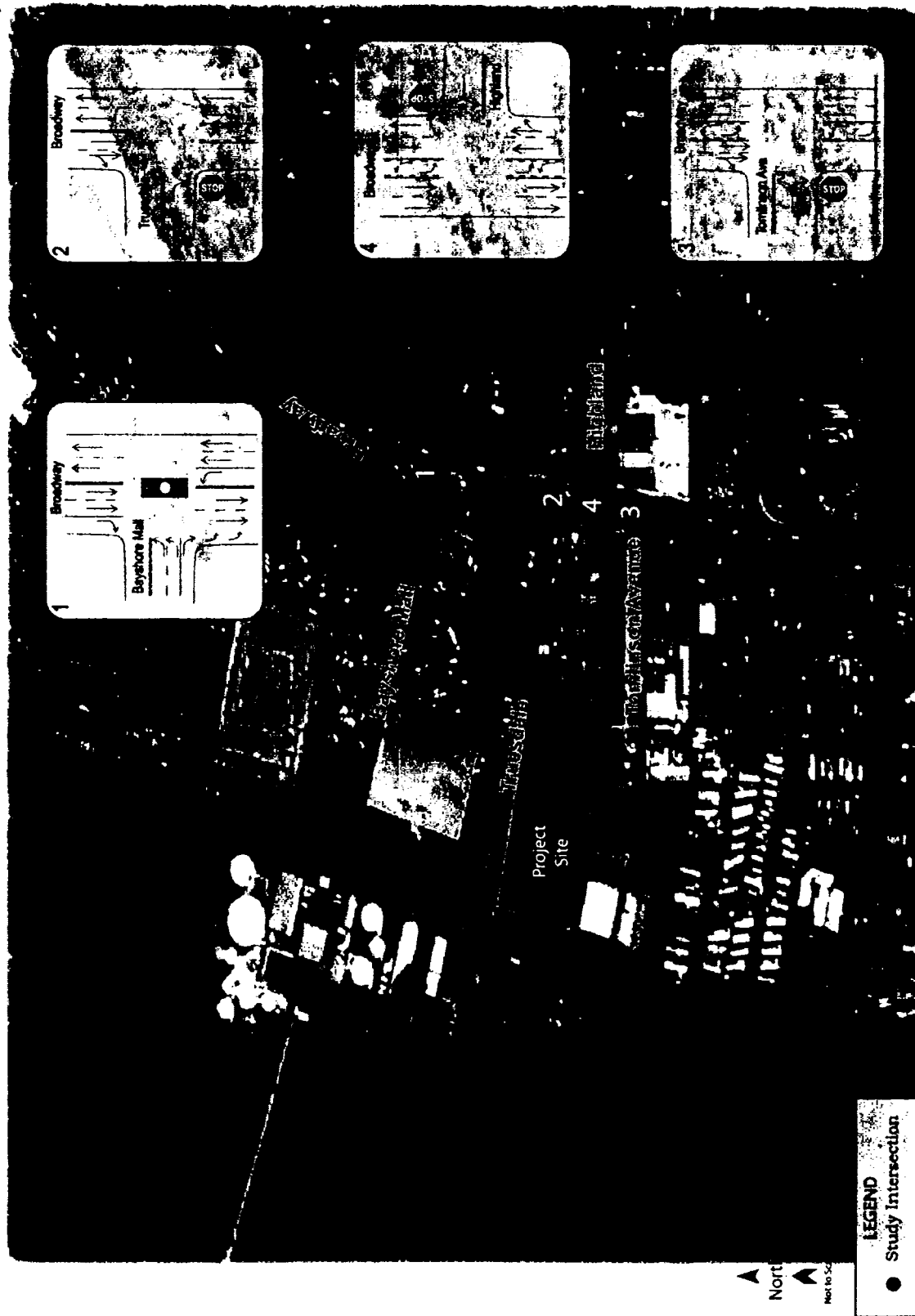
Study Area

The study area includes Truesdale Street and Tomlinson Avenue along the project frontages as well as the following intersections, which are shown in Figure 1, together with the primary driveway on Truesdale Street.

1. Broadway/Bayshore Mall (south intersection)
2. Broadway/Truesdale Street
3. Broadway/Tomlinson Avenue
4. Broadway/Highland Avenue

Study Periods

The weekday a.m. and p.m. peak hours were evaluated. These periods capture the time when there is the most traffic activity area wide and when traffic activity at the proposed project uses would be at their peak.



Bayshore Inn Expansion Traffic Impact Study

City of Eureka

Figure 1

Lane Configurations

EUR02/4.01 10/05

Study Issues

Intersection Levels of Service – Operating conditions were determined for the four study scenarios, Existing, Existing plus Project, Future (20-year horizon) and Future plus Project conditions.

Site Access and Circulation – The current project site plan was evaluated for site access and internal circulation.

Intersection Level of Service Methodologies

Level of Service (LOS) is used to rank traffic operation on various types of facilities based on traffic volumes and roadway capacity using a series of letter designations ranging from A to F. Generally, Level of Service A represents free flow conditions and Level of Service F represents forced flow or breakdown conditions. The LOS designation is generally accompanied by a unit of measure which indicates a level of delay.

The study intersections were analyzed using methodologies from the *Highway Capacity Manual 2000*, Transportation Research Board, 2000 (HCM). This source contains methodologies for various types of intersection control, all of which are related to a measurement of delay in average number of seconds per vehicle. The ranges of delay associated with the various levels of service are indicated in Table I.

Table I
Intersection Level of Service Criteria

LOS	Unsignalized Intersections	Signalized Intersections
A	Delay of 0 to 10 seconds. Gaps in traffic are readily available for drivers exiting the minor street.	Delay of 0 to 10 seconds. Most vehicles arrive during the green phase, so do not stop at all.
B	Delay of 10 to 15 seconds. Gaps in traffic are somewhat less readily available than with LOS A, but no queuing occurs on the minor street.	Delay of 10 to 20 seconds. More vehicles stop than with LOS A, but many drivers still do not have to stop.
C	Delay of 15 to 25 seconds. Acceptable gaps in traffic are less frequent, and drivers may approach while another vehicle is already waiting to exit the side street.	Delay of 20 to 35 seconds. The number of vehicles stopping is significant, although many still pass through without stopping.
D	Delay of 25 to 35 seconds. There are fewer acceptable gaps in traffic, and drivers may enter a queue of one or two vehicles on the side street.	Delay of 35 to 55 seconds. The influence of congestion is noticeable, and most vehicles have to stop.
E	Delay of 35 to 50 seconds. Few acceptable gaps in traffic are available, and longer queues may form on the side street.	Delay of 55 to 80 seconds. Most, if not all, vehicles must stop and drivers consider the delay excessive.
F	Delay of more than 50 seconds. Drivers may wait for long periods before there is an acceptable gap in traffic for exiting the side streets, creating long queues.	Delay of more than 80 seconds. Vehicles may wait through more than one cycle to clear the intersection.

Reference: *Highway Capacity Manual 2000*, Transportation Research Board, 2000.

The signalized methodology was used for the Broadway/Bayshore Mall intersection and is based on factors including traffic volumes, green time for each movement, phasing, whether or not the signals are coordinated, truck traffic, and pedestrian activity. Average stopped delay per vehicle in seconds is used as the basis for evaluation in this LOS methodology. It should be noted that the levels of service for this study were calculated using optimized signal timing.

The Levels of Service for the intersections of Broadway/Truesdale Street, Broadway/Tomlinson Avenue, and Broadway/Highland Avenue, which have side street stop controls, or are "unsignalized," were analyzed using the unsignalized intersection capacity method from the HCM. This method determines a level of service for each minor turning movement by estimating the level of average delay in seconds per vehicle. The movement with the highest level of delay is presented as the Worst Case Level of Service. The through movements on the main street are assumed to operate at free flow and a Level of Service A. However, this may not be the case if the main street cannot operate in a free-flow condition if adjacent signal queues extend to and/or past these intersections.

Traffic Operation Standards

The City of Eureka's adopted Level of Service (LOS) Standard is contained in their *General Plan*. The minimum acceptable level of service at intersections is LOS C, except for any portion of US 101, where LOS D is acceptable. The City indicated that when LOS is below an acceptable standard then an increase of greater than 5 seconds will generally require mitigation. Broadway serves as US 101 through the City of Eureka, so the LOS D standard was applied to the study intersections.

Traffic Signal Warrants

The need for traffic signals was assessed for unsignalized intersections in the study area with approaches at LOS E or F. Warrants published in the *Manual on Uniform Traffic Control Devices* (MUTCD), the standard reference adopted by Caltrans, were used.

Existing Conditions

Description of Study Area

The study area consisted of Broadway and Truesdale Street in the vicinity of the project including the intersections of Broadway/Bayshore Mall, Broadway/Truesdale Street, Broadway/Tomlinson Avenue, and Broadway/Highland Avenue. These four intersections were chosen as the most likely to experience traffic impacts from the proposed project.

Study Roadway

Broadway (US 101) operates as the primary north-south arterial in the City of Eureka with two travel lanes in each direction and a center 2-way left-turn lane which transitions into left-turn lanes at intersecting streets. Broadway has curb, gutter and sidewalks on both sides of the street.

Study Intersections

Broadway/Bayshore Mall is a signalized 'tee' intersection with a protected left-turn in the northbound direction. The Bayshore Mall approach has a right-turn overlap that operates concurrently with the northbound left-turn.

Broadway/Truesdale Street is an unsignalized 'tee' intersection with stop controls at the eastbound Truesdale Street approach, which is restricted to right-turns on to Broadway. There is a center two-way left-turn lane on Broadway which allows left-turn movements onto Truesdale Street.

Broadway/Highland Avenue is an unsignalized 'tee' intersection with stop controls at the westbound approach of Highland Avenue. This intersection is offset approximately 110 feet to the south of Truesdale Street and 110 feet to the north of Tomlinson Avenue. A center two-way left-turn lane on Broadway provides for left-turn movements from Broadway and refuge for left-turn movements from Highland Avenue.

Broadway/Tomlinson Avenue is an unsignalized 'tee' intersection with stop controls at the eastbound approach of Tomlinson Avenue. A center two-way left-turn lane on Broadway provides for left-turn movements from Broadway and refuge for left-turn movements from Tomlinson Avenue.

Lane geometries of the study intersections are shown in Figure 1.

Collision History

The collision history for the study intersections was reviewed to determine if there were any existing trends or patterns that could indicate a safety concern. Collision rates including all collisions that occurred within 150 feet of the intersections were calculated based on records for 1999-2003 obtained through the California Highway Patrol and published in their Statewide Integrated Traffic Records System (SWITRS) reports. Collision rates for intersections are a numeric value indicating the number of collisions per million vehicles entering in a year. In this way the relative safety of one intersection can be compared to another or to regional or statewide averages. The collision rate information for the study intersections is summarized in Table 2.

Table 2
Summary of Traffic Collision Rates

Intersection	Daily Volume Entering	Collisions 1999-2003	Collision Rate	Statewide Average Rate*
1. Broadway/Bayshore Mall	36,820	22	0.33	0.43
2. Broadway/Truesdale Street	32,960	14	0.23	0.19
3. Broadway/Tomlinson Avenue	31,060	10	0.18	0.19
4. Broadway/Highland Avenue	31,660	14	0.24	0.19

* As published in 2002 Accident Data on California State Highways

The collision rate at Broadway/Bayshore Mall over the 5-year study period is slightly below the statewide average collision rate for signalized 'tee' intersections in a suburban setting. It should be noted that nearly 65 percent of the 22 collisions were of the "rear-end" type with the primary collision factor being unsafe speed, driving under the influence or following too close.

The collision rates at the study intersections of Broadway/Truesdale Street and Broadway/Highland Avenue were slightly above the statewide average collision rate for unsignalized "tee" intersections with side street stop controls in a suburban setting, however, there was no apparent trend in collisions at either intersection that could be readily addressed through modifications to the intersection geometry or control. The intersection of Broadway/Tomlinson Avenue had a collision rate less than the statewide average.

Existing Conditions

Existing volumes at Broadway/Bayshore Mall, Broadway/Truesdale Street and Broadway/Highland Avenue, and operational parameters for the traffic signal were obtained from previous traffic studies completed for projects in the City of Eureka. New turning movement counts were collected on June 9 and 10, 2005, at the intersection of Broadway/Tomlinson Avenue.

The LOS and delay calculations at Broadway/Bayshore Mall are based on the existing cycle length of 100 seconds. The LOS and delay calculations for the Broadway intersections at Highland Avenue and Tomlinson Avenue are based on the availability of the center two-way left-turn lane to provide refuge for vehicles turning left onto Broadway. The center two-way left-turn lane can reduce delay for left-turns from side streets by allowing vehicles to make the left-turn in a two-stage movement. Since left-turn volumes from Broadway and onto Broadway are all less than 50 vehicles per hour (or less than one per minute) at Tomlinson Avenue and Highland Avenue, vehicles should be able to take advantage of this refuge lane along this short section of Broadway. (A previous draft of this report did not include the two-way left-turn lane, therefore, the LOS conditions presented in this report are better than previously shown.)

Based on these traffic volumes all of the study intersections are currently operating at LOS D or better during both the a.m. and p.m. peak periods. Existing traffic volumes are shown in Figure 2. A summary of the level of service calculations is contained in Table 3 and copies of the calculations are provided in Appendix A.

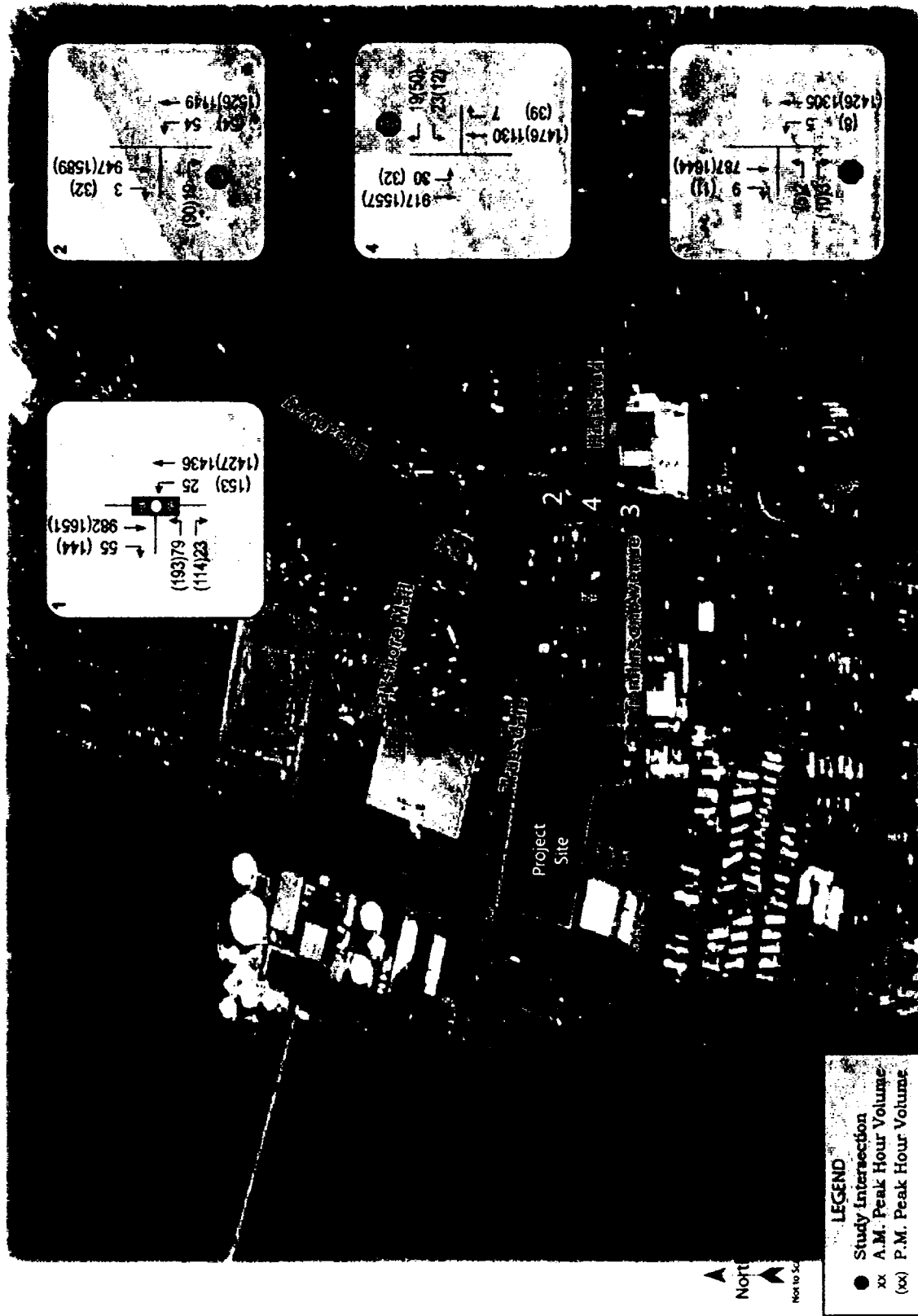


Figure 2
Existing Traffic Volumes

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Bayshore Inn Expansion Traffic Impact Study

City of Eureka

Table 3
Summary of Existing Intersection Levels of Service

Study Intersection Approach	Existing Conditions				Existing plus Project			
	AM Peak		PM Peak		AM Peak		PM Peak	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1. Broadway/Bayshore Mall	2.8	A	9.0	A	2.9	A	9.2	A
2. Broadway/Truesdale Street								
Eastbound Approach	11.9	B	20.1	C	12.0	B	21.3	C
Northbound Left Turn	10.3	B	15.2	C	10.4	B	16.0	C
3. Broadway/Tomlinson Avenue								
Eastbound Approach	15.4	C	27.7	D	14.9*	B	27.2*	D
Northbound Left Turn	9.7	A	15.2	C	9.8	A	15.4	C
4. Broadway/Highland Avenue								
Westbound Approach	20.7	C	23.4	C	20.8	C	23.8	C
Southbound Left Turn	11.1	B	13.7	B	11.1	B	13.8	B

Notes: Delay is in average number of seconds per vehicle

LOS = Level of Service

* It should be noted that with the addition of project related traffic volumes, average delay at the intersection of Broadway/Tomlinson Avenue decreases during both peak hours. While this intuitively appears to be a contradiction, this condition occurs because the project adds only right-turn movements which currently have delays that are below the approach average, resulting in a better balance between movements and lower overall average delay.

Project Conditions

Project Description

The project would include the expansion of the Bayshore Inn by 51 units and the construction of a 6,400 square foot restaurant as well as two new parking lots. Access to the proposed project would be provided via three new driveways. One would be located on Tomlinson Avenue and the other two would be located on Truesdale Street. The driveway on Tomlinson Avenue would access the Bayshore Inn expansion and of the two proposed driveways on Truesdale Street, one would access the Bayshore Inn expansion and one would access the restaurant. A copy of the site plan is shown in Figure 3.

There is an existing 20-foot wide ingress and egress easement that extends from the center line of Tomlinson Ave. to Parcel 2 (which is located to the southwest of the project). The intent is to create an ingress and egress easement, 40-feet in width, for access to Tomlinson for the three parcels that currently have rights to this easement. The additional 20-feet of width proposed to increase the easement would be located on Parcel 5 to the north, as shown on the Site Plan. Tomlinson Avenue is not being extended. The proposal is solely an expansion in width to the existing ingress and egress easement from 20-feet to 40 -feet.

Project Trip Generation

For purposes of estimating the number of new trips that the proposed project can be expected to generate, *Trip Generation*, 7th Edition, Institute of Transportation Engineers (ITE), 2003, was used. This publication is a standard reference used by jurisdictions throughout the country, and is based on actual trip generation studies performed at numerous locations in areas of various populations.

The anticipated trip generation of the proposed 51 additional rooms at the Bayshore Inn was determined by applying the "Hotel" land use rates (ITE# 310), while the trip generation of the proposed restaurant was determined by applying rates for the "Quality Restaurant" land use (ITE# 931). As shown in Table 4, the added use of the site would be expected to generate an average of 993 additional daily trips, including 32 during the morning peak hour and 79 during the evening peak hour.

Table 4
Weekday Trip Generation Summary

Land Use	Units	Daily		AM Peak Hour				PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Hotel (total rooms)	51	8.17	417	0.52	27	15	12	0.61	31	18	13
Quality Restaurant	6.4 ksf	89.95	576	0.81	5	4	1	7.49	48	32	16
Total Trips			993		32	19	13		79	50	29

Notes: ksf = thousand square feet

Trip Distribution

Trip distribution characteristics were determined by using the 2000 census as a general guide and then examining existing patterns of traffic on streets within the study area. It is projected that approximately

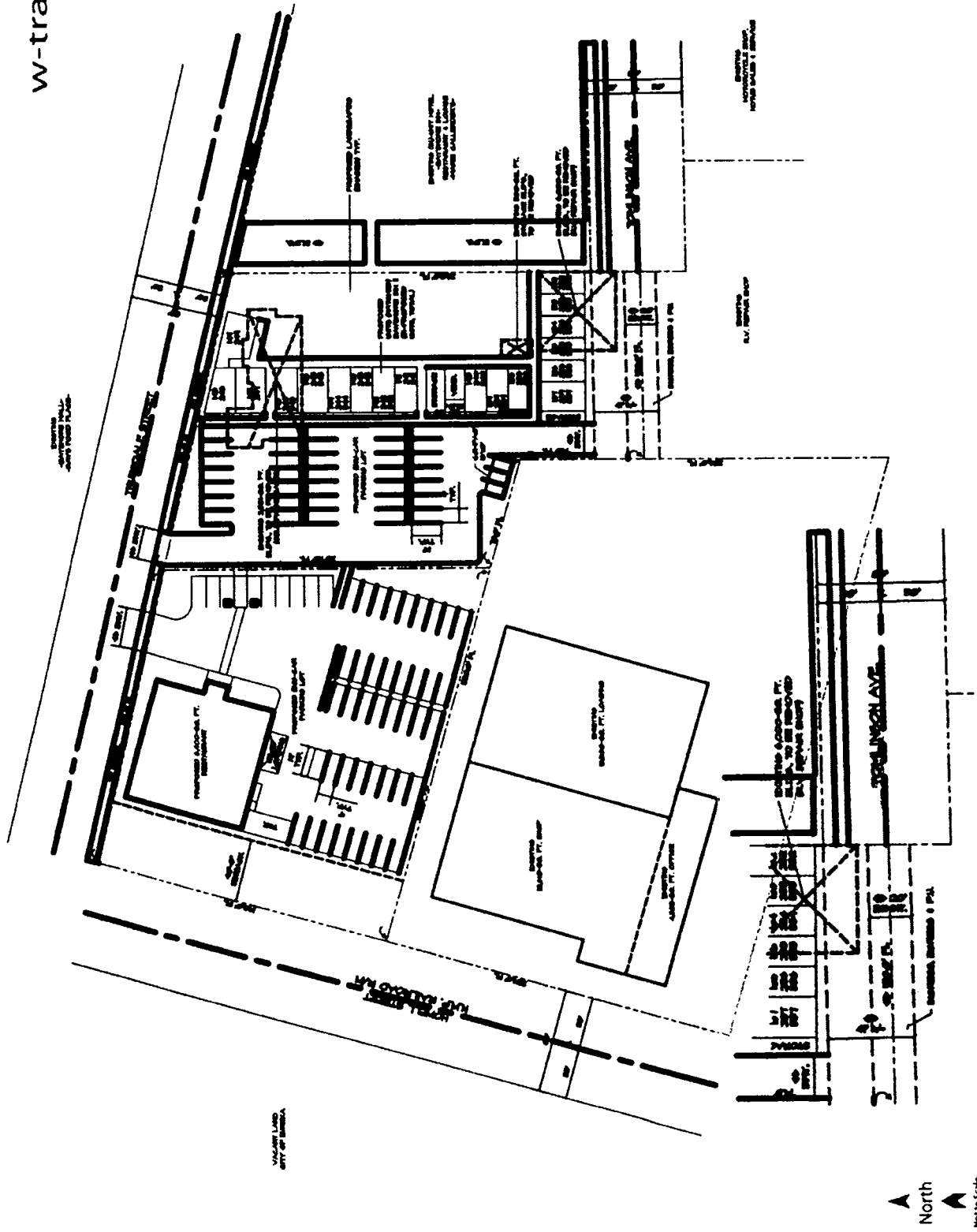


Figure 3
Site Plan
EUR024.01 10/05

Bayshore Inn Expansion Traffic Impact Study
City of Eureka

65 percent of project trips would be oriented to the north on Broadway and the remaining 35 percent would be oriented south on Broadway. The same percentages were used for both the a.m. and p.m. peak periods. Peak hour trip distribution assumptions are shown in Table 5.

Since left-turn movements are prohibited onto Broadway from Truesdale Street, it was assumed that these movements would be accommodated through the Bayshore Mall parking lot to the Broadway/Bayshore Mall (southern intersection). It should be noted that access through the Bayshore Mall was approved for additional Bayshore Inn and Restaurant patrons by General Growth Properties, Inc. in a letter to the City of Eureka dated May 5, 2005. A copy of that letter is included in Appendix B. It is recommended that signs be installed to at each of the project driveways entering onto Truesdale Street informing drivers of this option. Because of the short distances between Truesdale Street, Highland Avenue and Tomlinson Avenue, it was also assumed that no project generated left-turn movements would occur at Tomlinson Avenue as well.

The resulting project generated traffic volumes are shown in Figure 4.

Table 5
Trip Distribution Assumptions

Origin/Destination	Distribution (Percent)	New Vehicle Trip Ends		
		Daily	A.M. Peak	P.M. Peak
Broadway (US 101 North)	65%	645	21	51
Broadway (US 101 South)	35%	348	11	28
TOTAL	100%	993	32	79

Site Access

The proposed project site plan includes one driveway on Tomlinson Avenue and two on Truesdale Street. Tomlinson Avenue is proposed to be extended past the existing Bayshore Inn and the new driveway accessing this street would be located at the end of the lengthened street. This driveway would provide access to a 38-space parking lot connected to the Bayshore Inn. On Truesdale Street the new access driveways would be located approximately 30 feet apart; one entering into the Bayshore Inn parking lot and one, located approximately 135 feet east of Howell Street, entering into the 50 space restaurant parking lot. It is expected that circulation within the two parking lots would be adequate.

Sight Distance

Sight distance from the proposed new access driveways on Truesdale Street and Tomlinson Avenue was evaluated based on sight distance criteria contained in the Caltrans *Highway Design Manual*, 5th Edition. The *Highway Design Manual* provides different sight distance standards for public streets versus private roads. The public street standard requires more sight distance than the private street standard. The Manual indicates that public street corner sight distance requirements are not applicable for driveways. Since the proposed access points would be via driveways, all three driveways were treated as private roads, with the minimum sight distance requirement based on stopping sight distance.



Figure 4
Project Traffic Volumes

Bayshore Inn Expansion Traffic Impact Study
City of Eureka

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The existing posted speed limit on Truesdale Street and Tomlinson Avenue is 25 mph in the vicinity of the project site. For this approach speed, a private road intersection should have stopping sight distance of at least 150 feet. Both streets are straight and flat, so from the location of the proposed driveways sight distance exceeds 150 feet in each direction, or to the dead end of Tomlinson Avenue where sight distance is not an issue. The two driveways on Truesdale Street will be separated by only 30 feet, so to ensure adequate sight lines it is recommended that parking be restricted between these two driveways.

Existing plus Project Conditions

Upon the addition of project-related traffic to the study area, the study intersections on Broadway would be expected to continue operating at LOS D or better, which is considered acceptable. Also, with the addition of the project traffic volumes, the queuing in the northbound left-turn lane at Truesdale Street and Tomlinson Avenue are not expected to change. A summary of the level of service calculations is contained in Table 3 and copies of the calculations are provided in Appendix A.

Future Conditions

Future p.m. peak hour traffic conditions were determined for a 20-year horizon based on a growth factor of 1.32 based on Caltrans District I growth factors. These future traffic volumes are shown in Figure 5. It should be noted that the growth factors were applied to all movements except for turn movements into and out of Tomlinson Avenue and Highland Avenue. Tomlinson Avenue only provides access to existing uses and the project while Highland Avenue serves residential uses which are built out.

Under future base conditions, the intersection of Broadway/Bayshore Mall would be expected to operate at LOS B while the side street approaches to Broadway on Truesdale Street, Highland Avenue and Tomlinson Street are projected to operate with a LOS E during the p.m. peak hour.

Although the minor street, stop-controlled approaches to Broadway are projected to operate at LOS E, this condition would be expected at many, if not all, of the minor street approaches to Broadway. Because these streets carry minimal volumes, so do not meet volume warrants indicating need for a signal, and there are opportunities for drivers to access Broadway via the signalized intersection at Bayshore Mall, there is an opportunity for traffic to incur less delay by utilizing the Bayshore traffic signal for left-turn movements..

A summary of the level of service calculations is contained in Table 6 and copies of the calculations are provided in Appendix A. Traffic signal calculations are included in Appendix A.

It should be noted that the City of Eureka is currently completing environmental studies for the completion of a Waterfront Drive extension which will provide a parallel route to Broadway to the west. This route would provide an alternative route from Hilfiker Lane to the south to the north end of Broadway. Preliminary results show that the extension will slightly relieve traffic congestion on Broadway. Since this analysis does not include the benefits of the Waterfront Drive extension, the impacts of the project may be slightly less than shown here.



Figure 5
Future Traffic Volumes

Bayshore Inn Expansion Traffic Impact Study

City of Eureka

Table 6
Summary of Future PM Peak Hour Intersection Levels of Service

Study Intersection Approach	Future Conditions		Future plus Project	
	PM Peak		PM Peak	
	Delay	LOS	Delay	LOS
1. Broadway/Bayshore Mall	12.2	B	12.6	B
2. Broadway/Truesdale Street				
<i>Eastbound Approach</i>	39.0	E	43.8	E
<i>Northbound Left Turn</i>	24.3	C	26.9	D
3. Broadway/Tomlinson Avenue				
<i>Eastbound Approach</i>	42.0	E	40.9*	E
<i>Northbound Left Turn</i>	20.1	C	20.4	C
4. Broadway/Highland Avenue				
<i>Westbound Approach</i>	40.0	E	40.7	E
<i>Southbound Left Turn</i>	18.7	C	18.9	C

Notes: Delay is in average number of seconds per vehicle

LOS = Level of Service

* - It should be noted that with the addition of project related traffic volumes, average delay at the intersection of Broadway/Tomlinson Avenue decreases during both peak hours. While this intuitively appears to be a contradiction, this condition occurs because the project adds only right-turn movements which currently have delays that are below the approach average, resulting in a better balance between movements and lower overall average delay.

Future plus Project Conditions

Upon the addition of project-related traffic to the study area, the study intersections on Broadway would be expected to continue operating at their anticipated future levels of service

The intersection of Broadway/Bayshore Mall would be expected to continue operating at LOS B while the side street approaches to Broadway on Truesdale Street, Highland Avenue and Tomlinson Street are projected to continue operating with a LOS E during the p.m. peak hour. The anticipated increase in delay at the stop controlled side street movements due to the project are all less than 5 seconds. Under Future plus Project traffic volumes, the queuing in the northbound left-turn lane at Truesdale Street and Tomlinson Avenue are not expected to change compared with the Future Conditions. A summary of the level of service calculations is contained in Table 6 and copies of the calculations are provided in Appendix A.

Conclusions and Recommendations

Conclusions

- The proposed Bayshore Inn expansion and restaurant would be expected to generate an average of 993 daily vehicle trips, including 32 a.m. peak hour trips and 79 p.m. peak hour trips.
- The intersections of Broadway/Bayshore Mall is currently operating at a LOS B. The stop controlled approaches of Truesdale Street, Highland Avenue and Tomlinson Street are all operating acceptably at LOS D or better during the a.m. and p.m. peak hours.
- No change in level of service is expected at the study intersections upon the addition of project generated traffic. The anticipated increase in delay at the stop controlled side street movements due to the project are all less than 5 seconds which is considered acceptable. It should be noted that all left-turn movements out of the project were assumed to take place through Bayshore Mall to the traffic signal at Broadway as allowed per May 5, 2005 letter from General Growth Properties, Inc. (see Appendix B).
- Under future conditions The intersections of Broadway/Bayshore Mall is projected to operate at LOS B. The stop controlled approaches of Truesdale Street, Highland Avenue and Tomlinson Street are all projected to operate at LOS E during the p.m. peak hour.
- With the addition of project generated traffic, the study intersections would be expected to operate at their anticipated future levels of service. Since the anticipated increase in delay at the stop controlled side street movements due to the project are all less than 5 seconds, the impacts of the project at these LOS E rated movements are not considered significant. Again, all left-turn movements out of the project were assumed to take place through Bayshore Mall to the traffic signal at Broadway.
- If project traffic were allowed to turn left onto Broadway from Tomlinson Avenue, the level of delay to this approach would increase by more than 5 seconds under Future plus Project conditions.
- The volume of traffic on Tomlinson Avenue and Highland Avenue is insufficient to meet volume warrants indicating need for a traffic signal.

Recommendations

- Parking should be restricted on the south side of Truesdale Street between the proposed Bayshore Inn and restaurant access driveways.
- It is recommended that 'Right Turn Only' signs be installed at the Tomlinson Avenue exit to Broadway. Movements to the north can be made via the Bayshore Mall's property to access the intersection of Broadway/Bayshore Mall. The owners of the Bayshore Inn would allow the other properties at the terminus of Tomlinson Avenue to gain access to Truesdale through the Restaurant Parking lot. As a condition of approval, the City should require the development to provide a letter for right of access through the property.

- It is recommended that signs be installed at each of the project driveways entering onto Truesdale Street informing northbound drivers of the option to use the Bayshore Mall's property to access the intersection of Broadway/Bayshore Mall.

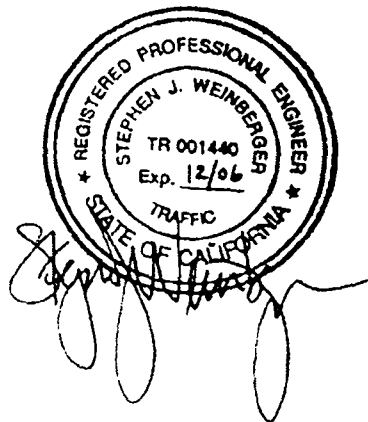
Study Participants and References

Study Participants

Project Manager: Steve Weinberger, P.E., PTOE
Assistant Engineer: Scott Robertson, EIT
Graphics/Technician: Debbie Dunn
Data Collection: Jennifer Rhodes
Report Review: Dalene J. Whitlock, P.E., PTOE

References

Manual on Uniform Traffic Control Devices, 2003, Federal Highway Administration
MUTCD California Supplement, May 2004, California Department of Transportation
Highway Design Manual, 5th Edition, California Department of Transportation
Trip Generation, 7th Edition, 2003, Institute of Transportation Engineers
Eureka General Plan
EUR024



Appendix A

Level of Service Calculations

NOT INCLUDED BUT
CAN BE REQUESTED

Appendix B

Letter from General Growth Properties, Inc. to the City of Eureka (May 5, 2005)

GGP General Growth Properties, Inc.

May 5, 2005

Mr. Brent Siemer, City Engineer
City of Eureka
531 K Street
Eureka, CA 95501

Re: Bayshore Inn

We have been requested by Thomas J. McMurray Jr., on behalf of the Bayshore Inn to allow their occupants and guests to use the Bayshore Mall's property to access the PR2 intersection at Broadway. The Inn intends to change the zoning from Coastal Dependent Industrial to Commercial Service and construct approximately 51 new motel units and a 6400 sq ft restaurant as an addition to the existing Inn.

We previously agreed in the Ray's Food Place development to allow public access to that intersection. We would agree to allow Bayshore Inn the same privilege.

Respectfully,



Sue Swanson
Property Manager
Bayshore Mall
General Growth Properties

Cc: Thomas J. McMurray Jr.

Bayshore Mall
3300 Broadway
Eureka, CA 95501
707-444-3855
fax 707-444-3968
www.generalgrowth.com

AGENDA SUMMARY**RE: SCHNEIDER CARGO STORAGE AREA
COASTAL DEVELOPMENT PERMIT****FOR AGENDA DATE: JANUARY 18, 2011
AGENDA ITEM NO.:****2****RECOMMENDATION:**

1. Hold a Public Hearing;
2. Adopt the Findings of Fact as described in Exhibit 'A'; and approve the Coastal Development Permit subject to the Conditions of Approval listed in Exhibit 'B'.

SUMMARY: The applicant is proposing a cargo storage facility be located on the Redevelopment-owned property at the northwest corner of West Waterfront Drive and the intersection of the west end of Marina Way, just north of the Schneider property on West Waterfront Drive. The storage facility will utilize the entire property.

The subject property is an approximate 5.27 acre parcel located within the Coastal Zone. The General Plan designation is Coastal Dependent Industrial (CDI), and the Zoning designation is Coastal Industrial (MC). Both the Zoning and General Plan designations support and promote coastal-dependent, and

ATTACHMENTS:

Exhibit A	Findings of Fact.....	page 9
Exhibit B	Conditions of Approval.....	pages 10-11
Attachment A	Vicinity Maps.....	pages 12-13
Attachment B	Applicant submitted site map.....	page 14

prepared by: Kristen M. Goetz

Continued page 2

FISCAL IMPACT: None with this action.

DEPARTMENT HEAD SIGNATURE:


Sidnie L. Olson
Director of Community Development

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

REVIEWED BY:

Assistant City Manager
Engineering
Fire
Public Works
Redevelopment

DATE:

1-11-11
1-10-11
1-12-11
1-12-11
1-12-11

INITIALS:

HK
KG
WG
BAY
CTT

Council Action:

Ordinance No. _____

Resolution No. _____

SUMMARY (continued):

coastal related uses. The proposed storage facility is in an area which is potentially subject to the public trust, but which is filled, developed, and committed to urban uses. The Coastal Commission has delegated original permit jurisdiction to the City of Eureka while reserving appellate jurisdiction. A permit approved by the City may therefore be appealed to the State Coastal Commission.

According to the applicant, cargo may consist of up to 300 forty foot containers, or 5 million board feet of logs, or 8 million board feet of lumber, or assorted equipment such as the type that can be transported on a 600 foot cargo ship, or some combination of any of these items.

Cargo will be stored throughout the property, and individual cargo shipments are estimated to be stored at the subject site for 2 months to 2 years.

Site preparation will include minor grading of the site (less than 40 cubic yards), and drainage control. The site is basically level, graveled, and has direct access to the Schneider Dock. Maintenance clean-up of the existing logging debris would include cleaning up woody debris (bark, etc.) and taking the debris to the power plant or an approved off-site disposal site. Future improvements may include paving of the entire site and overhead lighting but these projects are not included in this permit. However, gravel or paving of fire lanes/access roads may be required in order to support the weight of fire apparatus, and /gravel paving of the fire lanes/access roads, if required, is included in this permit.

No hazardous materials will be stored on the site and hazardous material storage is not included in this permit. As proposed, all cargo will be stored in shipping containers, except for equipment, lumber, logs, or wood chips.

The applicant proposes to install a gate at the intersection of West Waterfront Drive and the southerly access road to Marina Way. The project also includes vacation of Marina Way between West Waterfront Drive and the westerly boundary of the subject parcel, and a street vacation is being processed under a separate permit (SV-10-0002). This will allow easy access between the existing Schneider property, and the proposed storage facility. However, installation of the proposed gate is not allowed under this permit, but will be included in the Street Vacation. Additionally, a condition of approve for the street vacation will be installation by the applicant of a Fire Department turnaround at the southwesterly end of the parking lot on Marina Way (APN 003-062-026).

The majority of the cargo will come by sea and leave by land, or arrive by land and leave by sea. However, a small portion of the cargo may arrive by land and leave by land. The estimated number of truck trips to transport cargo will be 20 peak trips per day and an average of less than 10 truck trips per day.

Previous uses of the subject parcel appear to have been for storage. A Coastal Development Permit was issued in 1998 to allow the removal of two pole barns from the property, and then in 2005, a Coastal Development Permit was approved to allow log storage on the property.

Analysis: The Local Coastal Program is the foundational policy document for areas of the City located in the coastal zone. It establishes farsighted policy that forms the basis for and defines the framework by which the City's physical and economic resources in the coastal zone are to be developed, managed and utilized. The Local Coastal Program is divided into two components: the first component is the *Land Use Plan*, which is the General Plan specific to land in the coastal zone. It outlines the existing conditions, permitted uses, and policies needed to achieve the goals of the Coastal Act and includes the general plan map. The second component of the Local Coastal Program is the *Implementation Plan*, which includes zoning regulations and the zoning map for land in the coastal zone, as well as specific coastal zone ordinances necessary to implement the policies of the Land Use Plan. A discussion of how the project complies with these two components follows:

Land Use Plan

According to *The General Plan Guidelines* published by the State Office of Planning and Research (OPR) a general rule for general plan consistency determinations can be stated as follows:

"An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment."

The Eureka General Plan Policy Document states:

"In interpreting and thoroughly understanding the City's overall land use and development philosophy, users of this Policy Document should understand that the goals, policies, and programs contained in Part II are as important, if not more so, than the Land Use Diagram itself. Accordingly, any review of individual development proposals must consider this Policy Document as a whole, rather than focusing solely on the Land Use Diagram or on particular policies and programs."

Policies and goals of the adopted LCP that support the project include the following:

Policy 1.A.1 The City shall encourage infilling of vacant urban land and reuse of underutilized urban land within the Planning Area as its first priority of accommodating demand for growth.

Policy 1.A.4 To promote the public safety, health, and welfare, and to protect private and public property, to assure the long-term productivity and economic vitality of coastal resources, and to conserve and restore the natural environment, the City shall protect the ecological balance of the coastal zone and prevent its deterioration and destruction.

Policy 1.A.5 Within the coastal zone, the City shall ensure that coastal-dependent developments have priority over other developments on or near the shoreline. Except as provided elsewhere in this General Plan, coastal-dependent development shall not be sited in a wetland. Coastal-related developments shall generally be accommodated proximate to the coastal-dependent uses they support.

Goal 1.L To ensure an adequate supply of commercial land for and promote the development of commercial uses to meet the present and future needs of Eureka residents and visitors and to maintain economic vitality.

Policy 1.L.1 The City shall discourage new commercial development within the city that will adversely affect the economic vitality of the Core Area. This City shall also encourage Humboldt County to discourage such development in adjacent unincorporated areas.

Goal 1.M To ensure an adequate supply of industrial land for and promote the development of industrial uses to meet the present and future needs of Eureka and to maintain economic vitality.

Policy 1.M.2 The City shall promote development and upgrading of the Westside Industrial Area to accommodate industrial growth and the relocation of industry from unsuitable sites and areas.

Policy 1.M.3 The City shall support the retention of existing and establishment of new fishing facilities related uses in the area north of the railroad tracks between Commercial Street and C Street in the Core Area. The City shall encourage new development in the area that reinforces the essentially industrial character of the area and reduces potential land use conflicts and speculative inflation of land values.

Policy 1.M.7 The City shall encourage coastal-dependent industrial facilities to locate or expand within existing sites. Non-coastal-dependent uses located along the waterfront shall, if feasible, be relocated to other more appropriate areas within the city.

Under the adopted Land Use Plan, the General Plan portion of the Local Coastal Program, the project site has a General Plan Land Use designation of Coastal-Dependent Industrial (CDI). The purpose of the CDI Land Use Designation is to promote development of coastal-dependent industrial uses along the City's waterfront and reuse vacant land in the Westside Industrial area.

The proposed storage facility is coastal-dependent in that a portion of the cargo that will be stored at the facility will arrive and depart by sea at the Schneider Dock.

Therefore, based on the discussion above, the Schneider Cargo Storage Facility is consistent with

the Land Use Designations applicable to the project site, and the Policy Document of the Land Use Plan.

Implementation Plan

The Implementation Plan includes the Coastal Zoning Regulations, the Zoning Map and specific Coastal Zone Ordinances that implement the policies of the LUP. In addition to specifying the regulations pertaining to specific zoning districts, the Coastal Zoning Regulations, Section 10-5.2940 et. seq. (section 156.050 et. seq.), specify Coastal Zone Development Standards that apply to all development in the Coastal Zone. The standards include those for public access, environmental resources, natural hazards, visual resources, public works, and development.

The property has a Zoning designation of Coastal Dependent Industrial (MC). The MC Coastal Dependent Industrial District is included in the zoning regulations to achieve the following purposes:

- (1) To reserve and protect parcels adjacent to the sea for coastal-dependent and coastal-related uses;
- (2) To provide for coastal-dependent energy and industrial uses;
- (3) To provide development standards which will ensure that potential environmental damage will be avoided, minimized, or mitigated;
- (4) To protect areas appropriate for industrial uses from intrusion by dwellings and other inharmonious uses;
- (5) To protect residential and commercial properties and to protect nuisance-free, nonhazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic, and other objectionable influences, and from fire, explosion, noxious fumes, radiation, and other hazards incidental to certain industrial uses;
- (6) To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationships to each other;
- (7) To provide adequate space to meet the needs of modern industrial developments, including off-street parking and truck loading areas and landscaping;
- (8) To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby residential and agricultural districts; and,
- (9) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.

The Coastal Zoning District regulations control, among other things, the uses allowed within each zoning district. The MC zone district specifically permits "Water borne carrier import and export facilities" as a principally permitted use. Therefore, as discussed, the Schneider Cargo Storage Facility is consistent with the MC Zoning Designation, and the Coastal Zone Development Standards of the Implementation Plan.

Referral Comments: The project was referred to departments and agencies with jurisdiction over the project in March, 2010, and the project description was revised and re-circulated for comment in October, 2010. The original project description indicated there would be 200 truck trips per day; this was changed to 20 truck trips per day with the revision.

The North Coast Unified Air Quality Management District (NCUAQMD) originally responded indicating that a CEQA study would be required based on the nature and design of the equipment proposed and the level of activity identified. However, following the reduction in the number of truck trips from 200 to 20 per day, NCUAQMD determined that the study was not necessary and they had no further comment.

The Blue Lake Rancheria indicated that no known Wiyot cultural resources or the potential for impacts to significant buried resources were expected since the area is filled/reclaimed wetlands. However, the Wiyot Tribe indicated that the project is a culturally sensitive area, the Baylands contain many village sites and items of high cultural relevance, and there is a known village site within the project area. They asked to be notified if any cultural resources are discovered. The project proposes minor grading of the site to prepare areas for storage and for drainage. The City Engineering Department has indicated that the fill is approximately 10 feet in depth. At this time, no disturbance of native soils is proposed; however, a condition of approval has been added that the applicant shall notify appropriate agencies should a cultural discovery be made.

Pacific Gas and Electric requires that no cargo be stored within 6 vertical and horizontal feet of any overhead utility line, and a 10 foot wide vehicular access easement area along the northeasterly property line from the northerly Fire access gates must be maintained to allow access to the utility poles and overhead lines. No cargo or future structures may be located within this easement area. Additionally, PG&E requires a PG&E lock be placed on all gates to the property in case they need access to the poles or lines for maintenance or repairs.

The City of Eureka Engineering Department noted that public utilities have been placed within the southeasterly portion of the property along West Waterfront Drive. Therefore, a 10 foot wide Public Utility Easement (PUE) will be required along the southeasterly property line parallel with West Waterfront Drive. A City water line exists along the southwesterly property line between Marina Way and West Waterfront Drive, and a 20 foot wide PUE is required along the southwesterly property line. No structures can be erected or cargo stored within either of these easement area. Additionally, no gates or other obstructions can be placed on the public street (Marina Way); however, gates may be allowed if Marina Way is vacated in the future.

The Fire Department has indicated that access for fire-fighting operations must be provided, that road surfaces be constructed to support an imposed load of fire apparatus weighing at least 75,000 pounds, and that fence gates be provided in at least four places to access fire lanes. Fire also stated that the height of stored materials is a concern and northwest access to the existing facilities from the south end of Marina Way must be maintained. A new fire hydrant will be required on West Waterfront Drive at the east corner of the property and additional development on the subject property or neighboring property may require extension of the south end of the water line back to West Waterfront Drive, and the installation of additional fire hydrants. If these future installations are necessary, they would be within the 20 foot PUE along the southwesterly property line.

Public Works indicated that in the past, sediment being tracked from the site by vehicles and equipment has been an issue. However, in consultation with Public Works, they indicate that whatever materials are used to provide the required Fire access lanes (e.g. paving, gravel) should alleviate the sediment tracking issue.

Lastly, on the existing Schneider parcel (APN 003-062-028) located southwest of the subject parcel, as well as on the subject parcel, there are required off-street parking spaces located on the northeast side of several of the northerly buildings, and the spaces are accessed from Marina Way. Access to those parking spaces must be available to both employees and the public any time the buildings they serve are occupied, or the parking spaces need to be relocated, following Design Review approval, so that the spaces are located on and accessed from the Schneider property (APN 003-062-028).

The above comments have been included as Conditions of Approval.

Additional comments were received during the referral process that pertain to the proposed vacation of Marina Way. Those comments will be incorporated as comments and/or conditions of approval in the Street Vacation (SV-10-0002).

No other issues were identified that would indicate that the project as conditioned would not be consistent with the Local Coastal Plan and Zoning regulations.

California Environmental Quality Act: A Coastal Development Permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); however, this project qualifies for a Class 1 exemption (Section 15301) from CEQA which exempts the minor alteration of existing facilities.

Summary and Conclusion: In order to approve the Coastal Development Permit, the City Council must find that the project is in conformance with the adopted and certified Local Coastal Program. Based on the discussion above Staff believes that such a finding can be made. Therefore, Staff

**RE: SCHNEIDER CARGO STORAGE AREA COASTAL
DEVELOPMENT PERMIT**

FOR AGENDA DATE: JANUARY 18, 2011
AGENDA ITEM NO.:
Page 8

recommends that the City Council adopt the Findings of Fact listed in Exhibit 'A,' and approve the Coastal Development Permit subject to the conditions of approval listed in Exhibit "B". The City's final action on the Coastal Development Permit is appealable to the State Coastal Commission.

Recommended Motion:

"I move that the City Council adopt the Findings of Fact in Exhibit 'A' and approve the Coastal Development Permit subject to the conditions of approval listed in Exhibit 'B'"

Exhibit "A"

FINDINGS OF FACT

The decision of the City Council to approve with conditions the subject application was made after careful, reasoned and equitable consideration of the evidence in the record, including, but not be limited to: written and oral testimony submitted at the public hearing; the staff report; site investigation(s); agency comments; project file; and, the evidence submitted with the permit application. The findings of fact listed below "bridge the analytical gap" between the raw evidence in the record and the Council's decision.

1. The project site is located in the California Coastal Zone and a Coastal Development Permit is required. The City of Eureka has permit jurisdiction for issuing the Coastal Development Permit, and the City's final action on the Coastal Development Permit is appealable to the State Coastal Commission.
2. A Coastal Development Permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); however, this project qualifies for a Class 1 exemption (Section 15301) from CEQA which exempts the minor alteration of existing facilities.
3. Under the adopted Land Use Plan, the General Plan portion of the Local Coastal Program, the project site has a General Plan Land Use designation of Coastal-Dependent Industrial (CDI).
4. The purpose of the CDI Land Use Designation is to promote development of coastal-dependent industrial uses along the City's waterfront and reuse vacant land in the Westside Industrial area.
5. The proposed project is supported by several goals and policies of the City of Eureka General Plan, including those relating to Land Use and Development, Commercial Development and Industrial Development.
6. The property has a Zoning designation of Coastal Dependent Industrial (MC). The MC zone district specifically permits "Water borne carrier import and export" as a principally permitted use. Therefore, the proposed cargo storage facility is consistent with the MC Zoning Designation and the Coastal Zone Development Standards of the Implementation Plan.
7. No issues were identified by referral departments or agencies that would indicate that the project as conditioned would not be consistent with the Local Coastal Plan and Zoning regulations.

End Exhibit A

Exhibit "B"

Conditions of Approval

Approval of the Coastal Development Permit is conditioned on the following terms and requirements. The violation of any term or requirement of this conditional approval may result in the revocation of the permit.

1. During any necessary grading, or installation of fire access lanes, should buried archeological or historical resources be encountered all work will temporarily stop in the immediate area, and a qualified archeologist, and the Wiyot Tribe, will be contacted to evaluate the materials. Prehistoric materials may include chert flakes, tools, locally-darkened midden soils, ground stone artifacts, dietary bone, and human burials. If human burial is discovered during construction operations, State law requires that the County Coroner be contacted immediately. If such remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains.

2. No cargo shall be stored at any time within 6 vertical and horizontal feet of any overhead utility line to the satisfaction of Pacific Gas and Electric.

3. Prior to Building Permit issuance, if required, or Design Review, whichever is later, a 10 foot wide vehicular access easement along the northeasterly property line from the northerly Fire access gates shall be recorded to allow access to the utility poles and overhead lines. No cargo or future structures shall be located within this easement area. This condition shall be completed to the satisfaction of Pacific Gas and Electric, the City Engineering Department, and Community Development.

4. At the time of installation of any gates on the property, Pacific Gas and Electric shall be allowed to place their lock on all gates to allow access to the utility poles or overhead lines for maintenance or repairs. This condition shall be completed to the satisfaction of Pacific Gas and Electric.

5. Prior to Building Permit issuance, if required, or Design Review, whichever is later, a 10 foot wide Public Utility Easement (PUE) shall be recorded along the southeasterly property line parallel with West Waterfront Drive. No cargo or future structures shall be located within this easement area. This condition shall be completed to the satisfaction of the City Engineering Department and Community Development.

6. Prior to Building Permit issuance, if required, or Design Review, whichever is later, a 20 foot wide PUE shall be recorded along the southwesterly property line. No cargo or future structures shall be located within this easement area. This condition shall be completed to the satisfaction of the City Engineering Department and Community Development.

7. No gates or other obstructions shall be placed on the public street (Marina Way) unless or until Marina Way is vacated, and shall then be placed only as subject to any conditions of approval required by the Street Vacation.

8. Access for fire-fighting operations shall be provided by means of fire lanes and/or access roads spaced at intervals so that no portion of any storage or parking area is over 50 feet from a fire lane. Specifications and locations of fire lanes and access roads shall be determined by the Fire Department.

9. Prior to use of the property for storage, fire lanes and/or access roads shall be constructed of gravel, asphalt, concrete, or other approved surface to support an imposed load of a fire apparatus weighing at least 75,000 pounds. This condition shall be completed to the satisfaction of the Fire Department, Public Works, Engineering, and Building Departments.

10. Prior to use of the property for storage, fence gates shall be provided at locations prescribed by the Fire Department to access fire lanes/access roads. Gates shall comply with EMC section 92.02 D103.5.

11. Storage in excess of five containers height shall be permitted only with the prior authorization of the Fire Department. Improved access may be required, including but not limited to, wider access roadways through the facility to allow aerial support.

12. Northwest access to the existing facilities from the south end of Marina Way shall be maintained at all times to the satisfaction of the Fire Department.

13. Prior to utilizing the property for storage, a new fire hydrant shall be installed on West Waterfront Drive at the northeast corner of the property at a location chosen by the Fire Department.

14. Prior to installation of any fire hydrants on either private or public property, all permits, including Building Permits and Encroachment Permits, required fees, and approval for the proposed location of each hydrant shall be obtained. This condition shall be completed to the satisfaction of the Engineering, Fire, Public Works, and Building Departments.

15. Installation of any fire hydrant shall be performed by a professional approved by the Engineering Department prior to the installation of the hydrant.

16. Access to the required off-street parking spaces which are located on the subject property and on the existing Schneider parcel (APN 003-062-028) on the northeast side of several of the northerly buildings shall be available to both employees and the public any time the buildings they serve are occupied, or the parking spaces shall be relocated, following Design Review

**RE: SCHNEIDER CARGO STORAGE AREA COASTAL
DEVELOPMENT PERMIT**

FOR AGENDA DATE: JANUARY 18, 2011

AGENDA ITEM No.:

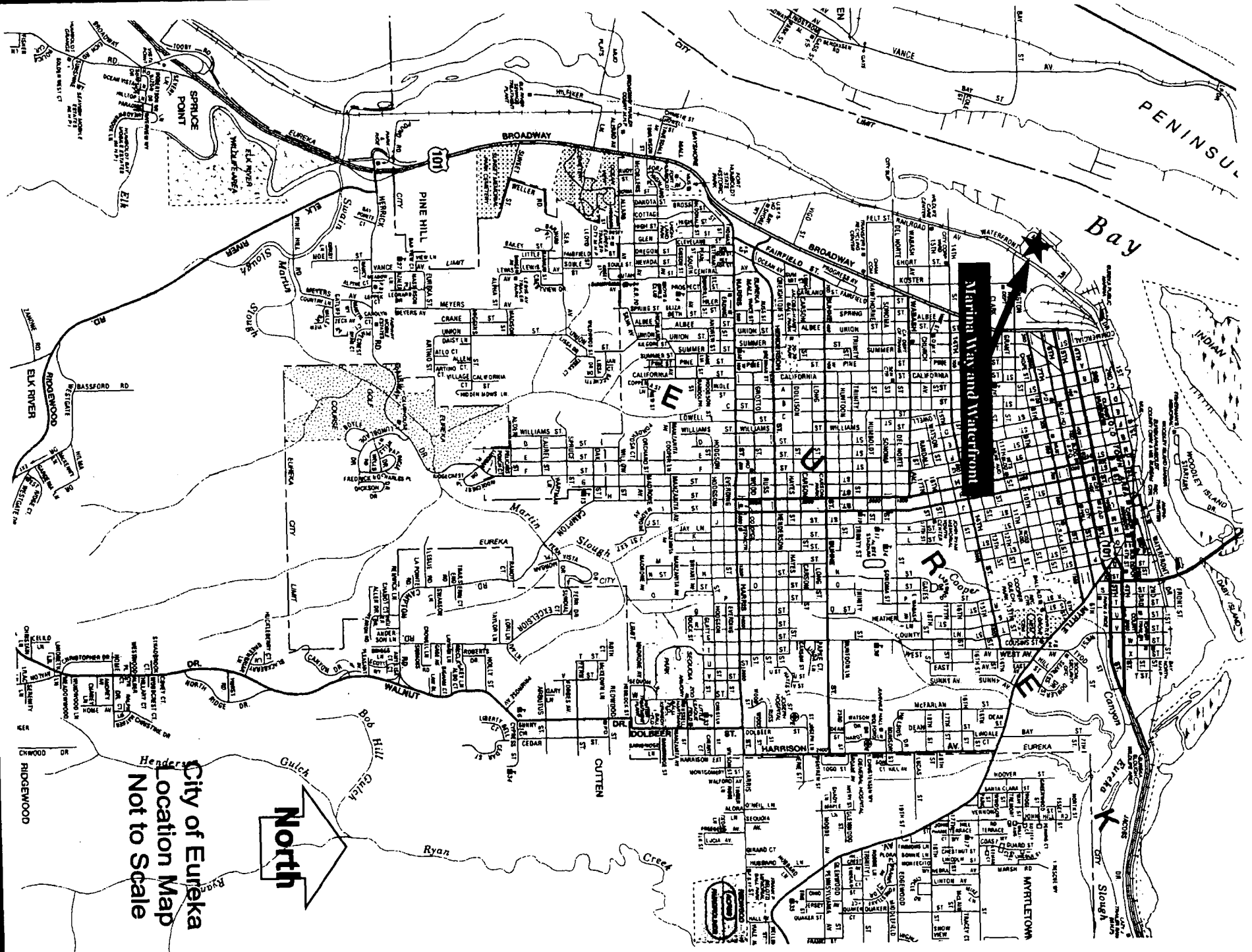
Page 12

approval, so that the spaces are located on and accessed from the Schneider property (APN 003-062-028).

17. Building permits shall be obtained prior to commencement of any work that requires a Building Permit. This condition shall be completed to the satisfaction of the Building, Engineering, Public Works, Fire, and Community Development Departments.

18. Design Review (Site Plan review) shall be completed prior to the installation of the fire lanes/access roads to the satisfaction of the Engineering, Public Works, Fire, and Community Development Departments.

End Exhibit "B"



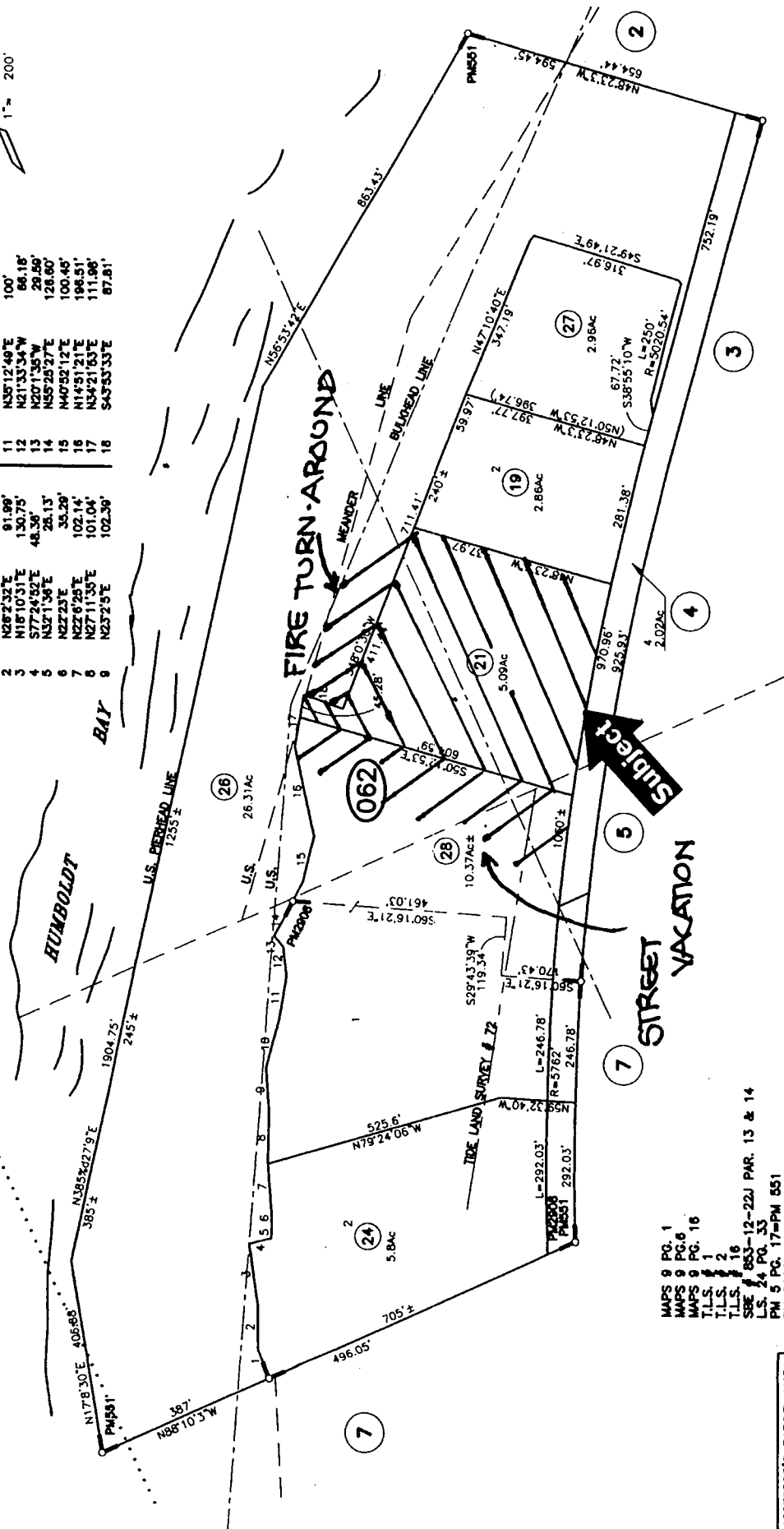
City of Eureka
Location Map
Not to Scale

North

CITY OF EUREKA POR: SE1/4 SEC.21, T5N, R1W

003-06

	MEAN HIGH WATER MARK	
1	N6°23'27"E	66.88'
2	N28°23'27"E	100.88'
3	N28°23'27"E	100.88'
4	N18°10'31"E	81.98'
5	S77°24'52"E	130.75'
6	N37°1'38"E	48.36'
7	N22°23'E	28.13'
8	N22°23'E	35.29'
9	N22°6'25"E	102.14'
10	N27°11'55"E	101.04'
11	N23°25'E	102.36'
12	N41°56'50"E	100.88'
13	N59°12'49"E	100'
14	N21°33'34"W	66.18'
15	N20°1'35"W	29.58'
16	N59°25'27"E	128.80'
17	N40°52'12"E	100.46'
18	N14°51'21"E	186.51'
19	N34°21'63"E	111.98'
20	S43°53'33"E	97.81'



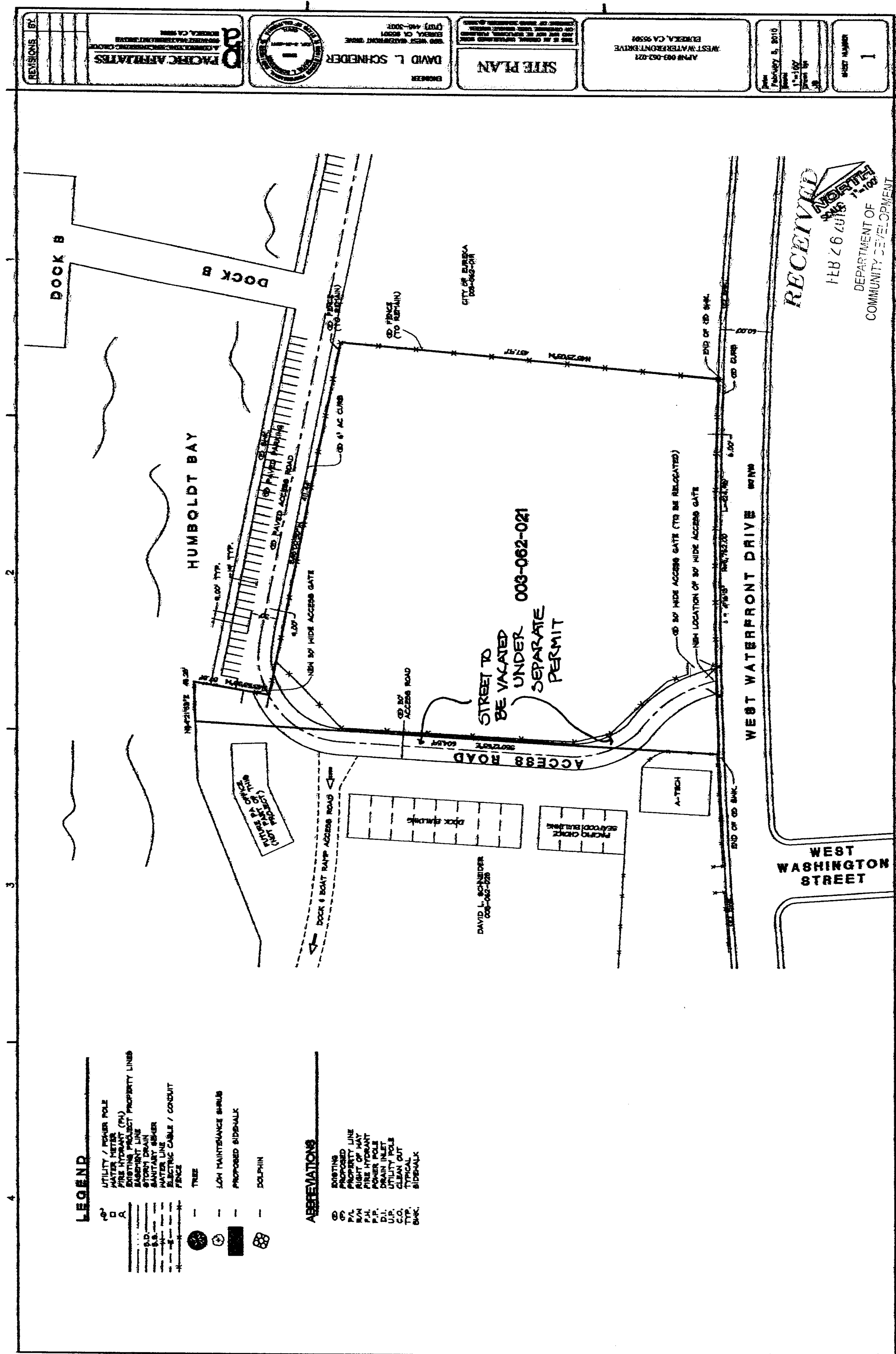
Assessor's Map Bk. 003, Pg.06
County of Humboldt, CA.

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles.

Jan 30, 2002

ASSASSOR'S PARCEL MAP
1. THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY.
2. NO LIABILITY IS ASSUMED FOR
THE ACCURACY OF THE DATA SHOWN.
3. THIS MAP IS NOT TO BE USED
COMPLY WITH LOCAL LOT-SPLIT
OR BUILDING SITE ORDINANCES.

MAPS 9 PG. 1
MAPS 9 PG. 6
MAPS 9 PG. 16
T.L.S. 1
T.L.S. 2
T.L.S. 16
SBE # 863-12-22J PAR. 13 & 14
L.S. 24 PG. 33
PM 5 PG. 17-PM 551
PM 2008 of PM BK.26.Pg.100



MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

November 16, 2010

The City Council/Redevelopment Agency of the City of Eureka met in REGULAR Session on the above date, 5:00 P.M. Closed Session, 6:00 P.M. Open Session, at the Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

PRESIDING: MAYOR PRO TEM JONES

PRESENT: GLASS, ATKINS, LEONARD, JÄGER, JONES


ABSENT: NONE

MINUTES PREPARED BY:



PAMELA J. POWELL
City Clerk

COUNCIL APPROVAL ACKNOWLEDGED:


FRANK JÄGER
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: Public comment prior to closed session

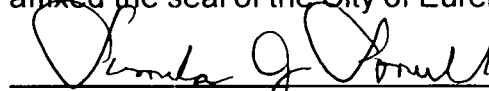
ACTION:

No one expressed an interest in addressing the Council at this time.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: Closed session

ACTION:

Council met in closed session to discuss the following matters:

Conference with legal counsel – Existing litigation Hansen v. City of Eureka, et al
(Humboldt Co. Superior Court No. CV090773)

Conference with legal counsel – Existing litigation Owsley v. City of Eureka, et al
(Humboldt Co. Superior Court No. DR091019)

Conference with legal counsel-anticipated litigation
Significant exposure to litigation: two cases.

Conference with labor negotiators
Agency designated representative: Gary Bird for City of Eureka
Employee organization: Eureka City Employees' Association (ECEA)

Conference with real property negotiators - Property: City-owned property located at
2186 Tydd Street, APN's: 002-191-0202 and 002-191-013
Agency negotiator: David W. Tyson for the City of Eureka
Negotiating parties: Humboldt Open Door Clinic
Under negotiation: Price, terms and conditions.

Upon reconvening to Open Session, it was announced that there were no final actions to report.

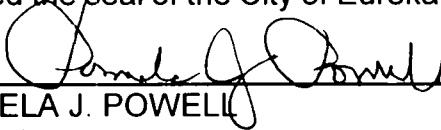
Agenda Item Closed Session

MINUTE ORDER, November 16, 2010
ITEM: Closed Session
PAGE: 2

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item Closed Session

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: Invocation

ACTION:

The invocation was given by Reverend Timmons of the Eureka Latter Day Saints.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

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PAMELA J. POWELL
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: Mayor's announcements

ACTION:

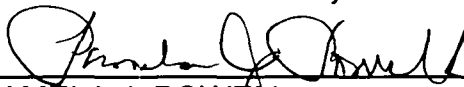
Mayor Pro Tem Jones asked Councilmember Glass to read a proclamation for the Great American Smokeout November 18, 2010.

Mayor Pro Tem Jones presented a proclamation to Maude Bishop for National Brevity Day.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item M/A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: Council reports / City-related travel report

ACTION: Councilmember Glass provided a report regarding on Public Safety and thanked all members of EFD and EPD for doing their job.

Councilmember Atkins thanked the citizens of Eureka for passing Measure O. Councilmember Atkins also informed the Council that Redwood Coast Energy Authority invites the public to "green your Christmas tree". The public can bring up to 4 strings of conventional Christmas lights and receive up to 4 new strings of LED lights. Councilmember Atkins invited Heidi Benzonnelli of the Jefferson School neighborhood group to give a report on the group's activities.

Councilmember Leonard provided an update on the Medical Cannabis workshop that was held in November. The RFQ is currently active and applications will be accepted until December 3, 2010.

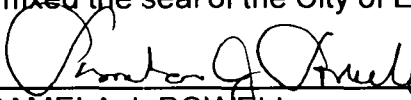
Councilmember Jäger thanked the community and Leo Sears along with Eureka Police Officer's Association for their work in passing Measure O. Jager also informed the community that United Bikers Toy Run will be holding a toy drive on December 5, 2010.

Councilmember Jones received a plaque, read by Richard Tolleson, thanking him for being Mayor Pro Tem for life.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item C/R

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: Public Hearing – Chapter 153 Floodplain Ordinance

ACTION:

Community Development Director provided a report, requesting that the Public Hearing be continued until January 4, 2011.

No one from the public addressed the council regarding this subject matter:

Council continued the Public Hearing until January 4, 2011

Adopted on motion by Councilmember Jager, seconded by Councilmember Leonard , and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

Lorene Dunnaway, Eureka, live across from Jefferson School and would like to know when escrow is expected to close on this property.

Jimmy Smith, Humboldt County First District Supervisor, thanked the outgoing 3 Council members for their service to the City and recognized the contributions that they have made.

Minnie Wolf, Eureka, voiced her opinion that she is against PG&E Smart Meters.

Beverly Phillip, provide information on the PG&E Smart Meter program and the need for customers to be able to opt out of the program.

Fred Nelson, Eureka opposes the PG&E Smart Meter program.

Ruth Robertson, Eureka supports the Jefferson School purchase the neighbors of the school that have been working on the project.

Richard Evans, Eureka also supports the Jefferson School purchase and the grass roots effort to form a 501 C3 organization.

Wes Watkins is in opposition to the PG&E Smart Meter project.

Xandra Manns, Eureka, supports the Jefferson School purchase and the need for a community room in this neighborhood.

Lane Levine, Eureka supports the Jefferson School purchase and is impressed by the energy of the neighborhood group.

Sid Berg, President of the Union Trades, thanked outgoing Council members for their service.

Lloyd Reece, Eureka thanked the Council and Larry Glass for the incredible job that he did for Ward 1.

MINUTE ORDER, November 16, 2010

ITEM: Closed Session

PAGE: 2


Richard Tolleson, Eureka, thanked the outgoing Council members for their service to the City.

Dorese Miranda, Ferndale is opposed to PG&E Smart Meters and encourages the Council to investigate the use of Smartmeters.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item 2

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular Council/Agency meeting minutes of September 21, 2010 as submitted.

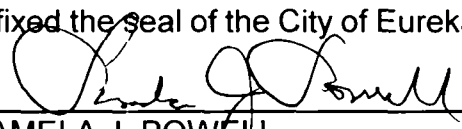
Adopted on motion by Councilmember Leonard , seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. City Clerk

Agenda Item 3

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: Increase in Parking Citation Fees

ACTION:

Council adopted Resolution No. 2010-74 of the City of Eureka to authorize the Eureka Police Department to collect additional parking citation fees as authorized by Assembly Bill 1617.


Adopted on motion by Councilmember Leonard, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Police Chief

Agenda Item 4

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: Wiyot Tribe Building Permit Fee Waiver

ACTION:

City Manager, David Tyson provided a report along with Steven Coleman Environmental Director for the Wiyot Tribe. The following individuals addressed the Council regarding this matter:

Richard Tolleson, Eureka
Heidi Benzonnelli, Eureka

Council waived the fees for a Building Permit, necessary for the Wiyot Tribe's Bulkhead reconstruction by transferring the cost of the fees to the Building Fund.

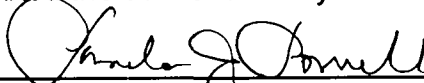
Adopted on motion by Councilmember Glass, seconded by Councilmember Jager , and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: Exclusive Right to Negotiate (ERTN) Agreement with Open Door
Community Health Center

ACTION: Redevelopment Director, Cindy Trobitz Thomas provided a report. Hermann
Spetzler, Director of Open Door Community Health Center also provided information. The
following individuals addressed the council regarding this subject matter:

Richard Tolleson, Eureka
Thomas Stewart, Eureka

Council adopted Eureka Redevelopment Agency Resolution No. 2010-10 and City Council
Resolution No. 2010-75 approving an Exclusive Right to Negotiate Agreement (ERTN) with
Open Door Community Health Centers for the purchase and development of Agency
owned property on Tydd Street (Assessor's Parcel No. 002-191-031).

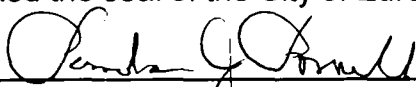
Adopted on motion by Councilmember Leonard, seconded by Councilmember Atkins, and
the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to
be a true and correct copy of the original made in the above entitled matter by said City
Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: Regulating Smoking in Indoor and Outdoor Places

ACTION:

City Manager, David Tyson provided a report. The following individuals addressed the council regarding this subject matter:

Lynn Glenn, American Cancer Society

Ariam Burton, Eureka Bar Owner

Richard Tolleson, Eureka

Council introduce, waived reading and read by title only, Bill No. 826-C.S. an Ordinance of the City of Eureka Amending Section 11, Chapter 97.01 – 97.99 of the Eureka Municipal Code to Regulate Smoking in Indoor and Outdoor Places.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Glass, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: Administrative Fines for 3415 Oregon Street

ACTION:

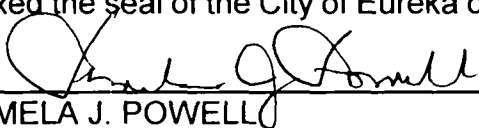
Assistant City Manager, Mike Knight provided a report. No one from the public addressed the council regarding this subject matter.

By consensus, Council directed staff to work with the homeowners on an additional settlement offer and to return to Council for either a settlement or possible lien.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Assistant City Manager

Agenda Item 8

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: 2010-11 Water Rates

ACTION:

Public Works Director, Bruce Young provided a report. No one from the public addressed the council regarding this subject matter.

Council received the report.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Public Works

Agenda Item 9

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: US Navy Testing Program

ACTION:

Community Development Director, Sidnie Olson provided a report. The following individuals addressed the council regarding this subject matter:

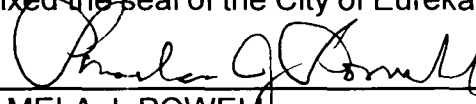
Robin Carter, Eureka
Bill Bennett, Fortuna
Susan Rodabaum

Council received the report.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Community Development

Agenda Item 10

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: Public Safety Funding

ACTION:

Councilmember Larry Glass provided a report. No one from the public addressed the council regarding this subject matter.

Council directed staff to prepared a funding plan to restore the FY 2010/11 Budget Reductions to Public Safety.

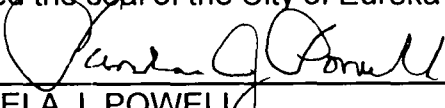
Adopted on motion by Councilmember Glass, seconded by Councilmember Atkins, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Council

Agenda Item 11

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: City Manager/Executive Director's reports

ACTION:


City Manager Tyson provided information regarding the following:

- Thank you to the outgoing Council members for the time and effort that they contributed to the City of Eureka.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. City Manager

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 16, 2010.

SUBJECT: Adjournment

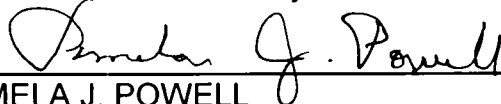
ACTION:

On motion by Councilmember Atkins, seconded by Mayor Pro Tem Jones, and without objection, the meeting was adjourned at 9:05 P.M.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

November 24, 2010

The City Council/Redevelopment Agency of the City of Eureka met in SPECIAL Session on the above date, 6:00 P.M. Open Session, at Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

PRESIDING: MAYOR BASS

PRESENT: GLASS, ATKINS, JÄGER, JONES

ABSENT: LEONARD

MINUTES PREPARED BY:



Pamela J. Powell
City Clerk

COUNCIL APPROVAL ACKNOWLEDGED:

Frank Jäger
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 24, 2010

SUBJECT: Urgency Ordinance to Authorize CalPERS Contract Amendment

ACTION:

Personnel Director, Gary Bird provided a report. No one from the public addressed the Council on this matter.

Council adopted an Urgency Ordinance No. 758-C.S. authorizing a contract amendment between the City of Eureka and CalPERS Board of Administration. A 4/5 vote was necessary for this urgency ordinance adoption.


Adopted on a motion by Councilmember Jones and seconded by Councilmember Atkins and the following vote:

AYES: GLASS, ATKINS, JAGER, JONES
NOES: NONE
ABSENT: LEONARD
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the seal of the City of Eureka on November
28, 2010



PAMELA J. POWELL
CITY CLERK

Originating Dept. Personnel

Agenda Item 1

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 24, 2010.

SUBJECT: ADJOURNMENT

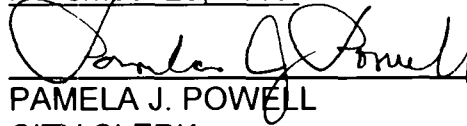
ACTION:

By consensus and without objection, the meeting was adjourned to Closed Session at 9:06 A.M.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, Interim City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the seal of the City of Eureka on
November 28, 2010.


PAMELA J. POWELL

CITY CLERK

Originating Dept.

Agenda Item

AGENDA SUMMARY**RE: PURCHASE OF (5) M6 MOBILE DATA COMPUTER SYSTEMS FROM HUB-DATA 911.****FOR AGENDA DATE: JAN 18, 2011****AGENDA ITEM No.:****5****RECOMMENDATION:**

1. Staff recommends accepting the quote from Hub-Data911 in the amount of \$29,566, and
2. Approve the appropriation of Drug Asset Funds to purchase (5) M6 Mobile Data Computer Systems.

SUMMARY: The Eureka Police Department proposes purchasing (5) Hub-Data911 M6 Mobile Data Computer Systems which will be installed in marked patrol vehicles. These systems will enable our officers to access jail mugshots, CAD and AS400 information, as well as run NCIC and CLETS inquiries. (Warrant checks, vehicle registration, stolen vehicle checks, etc.)

The M6's modular three piece design allows for easy and cost effective upgrading. This system provides significant cost savings due to the ability to upgrade the display or CPU individually, and still have a fully functional system. The M6 supports all Hub-Data911 M-series displays, known for being the brightest, thinnest and most rugged touch screens available for vehicular computing.

The pricing provided by Hub-Data911 is lower than if we were to purchase from the current CMAS (California Multiple Award Schedules) contract.

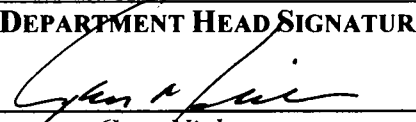
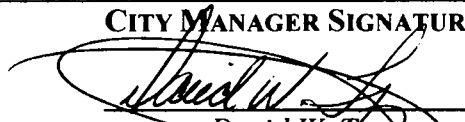
CMAS Contract # 03-08-70-2549B Term: 05/02/08 – 06/30/13

Attachment: Payment Terms Agreement

Prepared by Lt. Len Johnson

FISCAL IMPACT: No impact on the General Fund.

Appropriate \$29,566 from reserves in the Drug Asset Fund to account 233-42100-7490.

DEPARTMENT HEAD SIGNATURE:

 Garr Nielsen
 Chief of Police
CITY MANAGER SIGNATURE:

 David W. Tyson
 City Manager
REVIEWED BY:
 City Attorney
 Finance
DATE:

INITIALS:

Council Action:

Ordinance No. _____

Resolution No. _____

A Quotation Prepared For:				
Eureka Police Department		Hub-Data911		
Attn:	Lt. Tony Zanotti	Michael Mattal	Regional Manager	
Address:	604 C Street	916-543-4858		
City, St,		michael.mattal@data911.com		
Zip:	Eureka, CA 95501	Lisa Cayce	Inside Sales Representative	
Office		Office 636-532-4911 x 107	Fax 636-532-4916	
No:	707-41-4084	lisa.cayce@data911.com		
Email:	zanotti@eureka.ca.gov			
	Quote Date: December 17, 2010			
	Quote Number: 114-2010-121710			
Attachment A for Payment Terms Agreement				
Qty	Part #	Description	Unit Price	Extended
M6 Mobile Data System				
5	SV12DM6II	Data911 M6 Mobile Data System	\$5,395.50	\$26,977.50
		12.1" Color Touchscreen display, XGA resolution, internal stereo audio speakers		
		Intel Core2Duo 2.2 GHz processor, 2 GB RAM, 40 GB SATA Hard Drive		
		3 Serial Ports (DB9), 4 USB Ports, 1 FireWire (IEEE 1394) Ports		
		1 Type I/II Card Bus slot		
		1 ExpressCard slot		
		1 Internal PCI Express Mini Card slot		
		Digital Audio (SoundBlaster Compatible)		
		Analog Video Out (DB15)		
		Ethernet 10/100/1000 BaseT (RJ45)		
		Windows 7, Operating System		
		Keyboard, back-lit, liquid resistant, with touch pad (USB)		
		Integrated Automotive Power Supply		
		Power Control Module		
		4 General Purpose I/O Ports		
		Component Thermal Management		
		Standard Cable Kit (for Crown Vic glove box mounted CPU)		
		Warranty: Thirty-nine months		
			Subtotal	\$26,977.50
5		Shipping	\$59.00	\$295.00
		Tax (8.5%) Sales Tax not calculated on shipping		\$2,293.09
			Total Quote	\$29,565.59
THIS BUDGETARY QUOTE DOES NOT CONSTITUTE AN OFFER UNLESS INCORPORATED AS "ATTACHMENT A" TO THE PAYMENT TERMS AGREEMENT.				
Details:				
Prices quoted valid for Thirty days.				
Third-party HW and SW components sold subject to manufacturers' written warranties. No other warranties are expressed or implied by Data911 Systems				
All orders subject to Data911 standard Cancellation/Return Policy, which may result in fees. Return of items may be subject to a 15% restocking fee.				
Please issue Purchase Order to: Data911, 2021 Challenger Dr., Alameda, CA 94501				
Fax to: 636-532-4916; Attention: Lisa Cayce, Inside Sales Representative				

AGENDA SUMMARY**RE: DESTRUCTION OF RECORDS****FOR AGENDA DATE: JAN 18, 2011****AGENDA ITEM NO.:**

6

RECOMMENDATION:

Approve the attached resolution requesting destruction of records pursuant to City policy.

SUMMARY:

Pursuant to Penal Code 832.5(b) which requires that internal affairs files and findings be maintained for at least five years, and per Council adoption of a records retention policy providing for destruction of unneeded or outdated City records in accordance with Government Code 34090, we have reviewed our files and wish to destroy all internal affairs files that are over five years old and the log listing these reports. Please note that these internal affairs investigations and reports have been completed and closed out in their entirety over the five year requirement.

The following are the internal affairs files we request to purge and destroy:

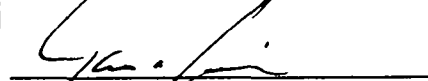
2005-1
2005-2
2005-3
2005-4

Attachment – Resolution

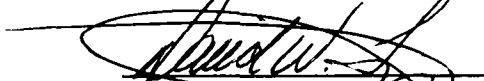
Prepared by Mary Kirby

FISCAL IMPACT:

None

DEPARTMENT HEAD SIGNATURE:


Garr Nielsen
Chief of Police

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

REVIEWED BY:

City Attorney

DATE:

INITIALS:

Council Action:

Ordinance No. _____

Resolution No. _____

RESOLUTION NO.

**RESOLUTION OF THE COUNCIL OF THE CITY OF EUREKA
FOR THE DESTRUCTION OF CERTAIN RECORDS**

WHEREAS, pursuant to Government Code Section 34090, a resolution of the City Council must be prepared for the destruction of certain records; and

WHEREAS, Penal Code Section 832.5 (b) which requires that internal affairs files and findings be maintained for at least five years; and

WHEREAS, attached to this resolution are accurate summaries of the records which the Police Department feels meet the criteria of the Government and Penal Codes and are no longer necessary for use; and

WHEREAS, all such original records to be destroyed are five (5) years old or older,

NOW, THEREFORE, BE IT RESOLVED that all records shown in the attached summary may be destroyed.

Passed, approved and adopted by the Council of the City of Eureka, County of Humboldt, State of California on the 18th day of January, 2011, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:

Mayor of the City of Eureka

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

APPROVED AS TO ADMINISTRATION:

City Manager

AGENDA SUMMARY**RE: REQUEST FOR EXCEPTION
TO THE HIRING FREEZE****FOR AGENDA DATE: JANUARY 18, 2011****AGENDA ITEM NO.:**

7

RECOMMENDATION:

1. Approve an exception to the hiring freeze for an Accountant I/II temporary overhire in the Finance Department.
2. Appropriate \$21,000 from existing Redevelopment reserves to fill the temporary position.

SUMMARY:

With the adoption of the FY 03/04 budget, the City Council authorized a hiring freeze for all non-public safety positions. Any exceptions to the hiring freeze must be approved by the Council. The Finance Dept. is requesting this exception as a temporary overhire (approx. 4 months) to allow the Department to better manage its extensive workload, and to allow a retiring Accountant II to train and assist a new Accountant I (overhire) with the complex redevelopment project accounting tasks to which the new accountant will be assigned. The retiring employee has vast working knowledge of these tasks, and will defer retirement and provide the training.

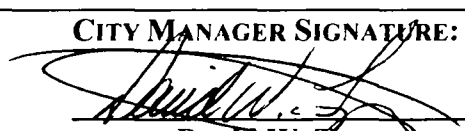
Approval of the "overhire" will technically allow the Dept. to have an additional temporary position allocated to it (beyond the fixed positions allocated to the Dept. through the budget). This temporary overhire will last approximately 4 months, at which time the current Accountant II will retire. Given the complexity and magnitude of redevelopment project accounting, the Dept. is in need of filling the position prior to the current employee's retirement in order to facilitate proper training, and to assist with managing the Dept's workload.

Filling this position for 4 months as a temporary overhire will cost approximately \$21,000 in salary and benefits to be appropriated from Redevelopment reserves. The Finance Department requests Council determine whether to exempt this position from the hiring freeze and authorize the temporary overhire for the remainder of the FY 10/11.

FISCAL IMPACT:

An appropriation of \$21,000 is needed to fill this position for 4 months as an overhire at an Accountant I, Step 3 salary rate. The appropriation will come from existing Redevelopment reserves, and will be allocated as follows: \$5,250 (account #290-41430-1110); \$1,050 (account # 291-41430-1110); and \$14,700 (account # 690-41430-1110). The position is funded through the Redevelopment Fund.

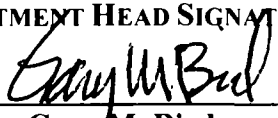

DEPARTMENT HEAD SIGNATURE:

 Gary M. Bird
 Personnel Director
CITY MANAGER SIGNATURE:

 David W. Tyson
 City Manager
REVIEWED BY:
 City Attorney
 Finance
DATE:
 1-11-11
 1-11-11
INITIALS:
 web
 JR
Council Action:

Ordinance No. _____

Resolution No. _____

EUREKA CITY COUNCIL
AGENDA SUMMARY

RE: REQUEST FOR EXCEPTION TO THE HIRING FREEZE	FOR AGENDA DATE: JANUARY 18, 2011 <div style="text-align: right; font-size: 1.5em;">8</div> AGENDA ITEM No.:	
RECOMMENDATION: It is recommended that Council approve an exception to the hiring freeze for an Accountant I/II position in the Finance Department, a position included in the FY10/11 budget.		
SUMMARY: With the adoption of the FY 03/04 budget, the City Council authorized a hiring freeze for all non-public safety positions. Any exceptions to the hiring freeze must be approved by the Council. The Finance Department requests authorization to fill the position of a regular full-time Accountant I/II (Unrepresented) for the remainder of the fiscal year due to the resignation of the Accountant I/II employee currently holding that position. The resignation date was effective January 7, 2011. This position performs essential professional level accounting duties involved in the reporting of financial transactions involved in City operations, programs and services. This position is responsible for the Police, Fire, City Manager, City Clerk, City Council/Mayor, City Attorney, Finance and Personnel accounting and reporting, budget preparation, year end transactions, grant reporting, project reporting, annual audit and preparation of financial statements. This position was already included in the FY 10/11 budget and is paid out the Internal Operations Fund which includes all City funds with the exception of enterprise funds. The Finance Department requests Council determine whether to exempt this position from the hiring freeze and authorize it to be filled.		
FISCAL IMPACT: The cost of filling this position at an Accountant I, Step 3 salary rate is \$64,276 annually. The cost of filling this position Accountant II, Step 3 salary rate is \$69,567 annually. The position is funded through the <u>Internal Operations Fund</u> and is included in the FY 10/11 budget.		
DEPARTMENT HEAD SIGNATURE: <div style="text-align: center;"> _____ Gary M. Bird <i>Personnel Director</i></div>	CITY MANAGER SIGNATURE: <div style="text-align: center;"> _____ David W. Tyson <i>City Manager</i></div>	
REVIEWED BY: City Attorney Finance	DATE: <div style="text-align: center;">1-11-11 _____ 1-11-11 _____</div>	INITIALS: <div style="text-align: center;">WB _____ PR _____</div>
Council Action: Ordinance No. _____ Resolution No. _____		

CITY OF EUREKA
REQUEST FOR EXEMPTION FROM HIRING FREEZE

Department: Finance

Vacant Position Title: Accountant I / II

Account Number(s): 650-41430-1110

Account Number to use for Oral Board lunch: _____

Monthly Salary Range: \$ Accountant I 3,254 - 3,957 ; Accountant II 3,588 - 4,363

Explanation/Justification (please provide detailed information about why the position needs to be filled, continuing on back as needed):

Gary Chapman gave notice effective Jan 7, 2011.
Due to the current department work load, the
position will need to be filled.

Requesting Department Head Name: Paul Rodriguez

DH Signature: Pe [Signature]

*** Return to Becke Perry, Senior Personnel Analyst ***

For Personnel Department Use Only:

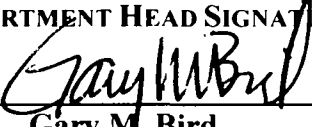

Date request received in Personnel: _____

Date submitted for Council consideration: _____

Approved by City Council: _____ Yes _____ No

Date requesting department head notified: _____

AGENDA SUMMARY

RE: MINOR AMENDMENT TO JOB SPECIFICATION	FOR AGENDA DATE: JANUARY 18, 2011 AGENDA ITEM NO.: 9	
RECOMMENDATION: Amend job specification of Utility Maintenance Worker class.		
SUMMARY: It was recently brought to the attention of the Personnel Department that a license requirement for a Wastewater Treatment Plant Operator's certificate requires both the passing of the State administered exam and one year of "hands on" experience at a wastewater facility. At this time, the State does not recognize the "hands on" experience obtained at the Elk River Treatment Plant due to the language of our current Utility Worker I/II class specification, therefore, we are proposing to add an additional Essential Function to the current class spec which will satisfy the State's requirement. The additional Essential Function would read as follows: ➤ <u>May assist Operations staff with operational duties while possessing appropriate certification.</u> The benefits for inclusion of the language to the Utility Worker's job description include the ability of the employee to earn time in service as it relates to the obtaining of a Wastewater Treatment Plant Operator's certificate while holding the Utility Worker's position. Further, the employee may receive financial support if it's deemed in the best interest of the City for the employee to obtain the certificate, and the employee who possesses a certificate could promote to a higher paying position. In addition, the City benefits by having a better trained employee who might be able to fill a future opening in a job traditionally difficult to fill. ECEA has approved the job specification change, and a copy of the Side Letter of approval is included as an Attachment. Also included is the current Utility Worker I/II job classification.		
FISCAL IMPACT: No fiscal impact		
DEPARTMENT HEAD SIGNATURE:  _____ Gary M. Bird <i>Personnel Director</i>	CITY MANAGER SIGNATURE:  _____ David W. Tyson <i>City Manager</i>	
REVIEWED BY: City Attorney Finance Public Works	DATE: 12-2 12-2 12-2	INITIALS: WRB PS BAY
Council Action: <div style="display: flex; justify-content: space-between;"> Ordinance No. _____ Resolution No. _____ </div>		

Memorandum

PERSONNEL DEPARTMENT

DATE: December 1, 2010
TO: Robert Harig, ECEA President
FROM: Becke Perry, Senior Personnel Analyst
RE: Utility Maintenance Worker Class Spec Change

PERSONNEL MANAGEMENT

Recruitment &
Selection
Benefit Administration
Employee Records
Classification
Compensation
Employment Mandate
Compliance
Training

RISK MANAGEMENT

Safety
Workers'
Compensation
Risk Reduction
Insurance Programs

LABOR RELATIONS

Contract Negotiations
Organizational
Analysis
Disciplinary Actions
Grievance Arbitration

It was recently brought to the attention of the Personnel Department that a license requirement for a Wastewater Treatment Plant Operator's certificate requires both the passing of the State administered exam and one year of "hands on" experience at a wastewater facility.

At this time, the State does not recognize the "hands on" experience obtained at the Elk River Wastewater Treatment Plant due to the language of our current Utility Worker class specification, therefore, we are proposing to add an additional Essential Function to the current class spec which will satisfy the State's requirement. The additional Essential Function would read as follows:

May assist Operations staff with operational duties while possessing appropriate certification.

The benefits for inclusion of the language to the Utility Worker's job description include the ability of the employee to earn time in service as it relates to the obtaining of a Wastewater Treatment Plant Operator's certificate while holding the Utility Worker's position. Further, the employee may receive financial support if it's deemed in the best interest of the City for the employee to obtain the certificate, and the employee who possesses a certificate could promote to a higher paying position. In addition, the City benefits by having a better trained employee who might be able to fill a future vacancy in a job traditionally difficult to fill.

Please let me know if you would like to discuss this further. If ECEA is in agreement with the proposed class spec change as written above, please sign below to signify agreement.

ECEA understands and agrees to the above class spec change for Utility Worker.


Robert Harig, ECEA President

1-5-11
Date signed

cc: Mike Knight, Assistant City Manager-Operations
Bruce Young, Public Works Director
Bruce Gehrke, Utility Maintenance Manager



November 2006
FLSA: NON-EXEMPT

UTILITY WORKER I/II

DEFINITION

Under direct or general supervision, performs a wide variety of skilled utility maintenance and repair work on the City's water and wastewater treatment facilities and systems; provides technical support to the Utilities Division; and performs related work as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direct or general supervision and/or technical and functional direction from assigned supervisory or management personnel. May exercise technical and functional direction over assigned staff.

CLASS CHARACTERISTICS

Utility Worker I: This is the entry-level class in the utility maintenance series. Initially under close supervision, incumbents with basic maintenance experience learn City water and wastewater treatment facilities and systems, use of tools and equipment, and a wide variety of practices and procedures. As experience is gained, assignments become more varied and are performed with greater independence. This class is alternately-staffed with Utility Worker II and incumbents may advance to the higher level after gaining the knowledge, skill, experience, licenses and certifications which meet the qualifications for and demonstrating the ability to perform the work of the higher-level class.

Utility Worker II: This is the journey-level class in the utility maintenance series that performs the full range of duties required to ensure that water and wastewater treatment facilities and systems are maintained in a safe and effective working condition. Responsibilities include inspecting and attending to assigned areas in a timely manner, and performing a wide variety of tasks in the maintenance and repair of assigned facilities and systems. This class is distinguished from Senior Utility Worker in that the latter is responsible for technical and functional direction over lower-level utility maintenance staff and is capable of performing the most complex duties assigned to the division.

EXAMPLES OF ESSENTIAL FUNCTIONS (Illustrative Only)

Management reserves the right to add, modify, change or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

When performing the treatment plant maintenance assignment:

- Inspects, troubleshoots, repairs, and maintains water and/or wastewater treatment plants, pump stations, and regulating equipment including electric motors, engines, gas and electric powered pumps, air compressors, emergency systems, power generation systems, and pressure and flow regulators; checks proper equipment operation; notifies supervisors of alarms and equipment failure; writes work orders for needed repairs.
- Maintains and repairs specialized water and wastewater equipment such as flow recorders, chlorination and other chemical feeding equipment.

- Maintains the City's wastewater collection system in a safe and sanitary manner to ensure safe conditions for the City, including repairing broken wastewater mains and parts, and hydro-cleaning to ensure clean and open distribution.
- Inspects, rebuilds, and services pumps, check valves, and floats as necessary.
- Installs new wastewater laterals and mains, including hooking up laterals for new home construction.
- Transports contaminated soils and raw sewage to designated areas for proper disposal.
- Performs asphalt and concrete repair and patch work; removes trees, brush, and debris from right-of-ways to access sewer main lines and laterals.
- Installs and maintains different metering devices throughout the City's infrastructure to monitor wastewater flows; downloads necessary information onto a computer.

QUALIFICATIONS

Knowledge of:

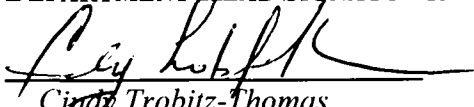
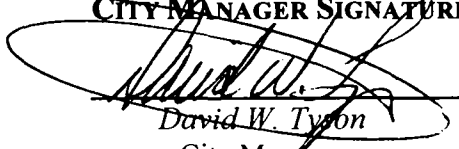
- Basic principles and practices of water and/or wastewater treatment plant operations.
- Practices, methods, equipment, tools and materials used in the maintenance construction, installation and repair of water and wastewater treatment facilities and systems.
- Procedures, equipment, material and tools used in the operation, maintenance and repair of pneumatic systems, motors, engines, pumps, compressors, disinfection equipment, power generation systems and other related equipment.
- Gas and diesel engine maintenance and repair.
- Hydraulics and control systems.
- Principles and practices of gas and electrical welding, masonry, carpentry and plumbing.
- Safe work methods and safety practices pertaining to the work.
- Basic computer software related to work.
- English usage, spelling, vocabulary, grammar and punctuation.
- Techniques for providing a high level of customer service to public and City staff, in person and over the telephone.

Ability to:

- Learn to inspect, operate, diagnose problems and perform preventive maintenance and repair work on electric motors, gas and diesel engines, pumps, compressors, control equipment and power generation equipment.
- Perform a variety of fabricating and design duties related to water and wastewater systems construction, maintenance and repair; interpret sketches and diagrams.
- Analyze work problems and make corrections that will facilitate the completion of assignments.
- Read and interpret gauges and other recording devices, and interpret the information as it relates to repair and maintenance activities.
- Read and understand schematic diagrams.
- Safely and effectively use and operate hand tools, mechanical equipment, power tools, and equipment required for the work.
- Perform routine equipment maintenance.
- Maintain both manual and automated logs, records, reports and charts.
- Follow department policies and procedures related to assigned duties.
- Understand and follow oral and written instructions.
- Organize own work, set priorities and meet critical time deadlines.
- Use English effectively to communicate in person, over the telephone and in writing.
- Use tact, initiative, prudence and independent judgment within general policy, procedural and legal guidelines.
- Establish and maintain effective working relationships with those contacted in the course of the work.

and/or electrical hazards, and hazardous physical substances and fumes. Employees may interact with upset staff and/or public and private representatives, and contractors in interpreting and enforcing departmental policies and procedures.

AGENDA SUMMARY

RE: REDEVELOPMENT AGENCY— EXCLUSIVE RIGHT TO NEGOTIATE (ERTN) AGREEMENT WITH MARTY & MICHELE L'HERAULT DBA OLD TOWN CARRIAGE COMPANY	FOR AGENDA DATE: January 18, 2011 AGENDA ITEM No.: <u>10</u>	
RECOMMENDATION: <ol style="list-style-type: none"> 1. Adopt a Joint Resolution of the City Council of the City of Eureka and Eureka Redevelopment Agency approving an Exclusive Right to Negotiate Agreement (ERTN) with Marty and Michele L'Herauld dba Old Town Carriage Company, for the purchase and development of Agency property located at 1st and "C" Streets. 2. Authorize execution of a 180-day ERTN between the Eureka Redevelopment Agency and Marty and Michele L'Herauld dba Old Town Carriage Company. 		
SUMMARY: <p>On March 20, 2007, the Agency Board/City Council provided staff direction to exercise the Request for Proposal (RFP) process regarding the disposition of the H.H. Buhne Warehouse.</p> <p>Staff prepared a RFP, to purchase, relocate, preserve and/or develop the historic H.H. Buhne Warehouse. Notifications were sent to interested parties, two ads were placed in the Times Standard and the document was posted on the Agency/City website.</p> <p style="text-align: center;"><i>Continued page 2</i></p>		
FISCAL IMPACT: <p>No fiscal impact as a result of this recommendation.</p>		
DEPARTMENT HEAD SIGNATURE:  Cindy Trobitz-Thomas Director of Redevelopment	CITY MANAGER SIGNATURE:  David W. Tyson City Manager	
REVIEWED BY: City Attorney	DATE: <u>1.12.11</u>	INITIALS: <u>lct/sh</u>
Council Action: <div style="display: flex; justify-content: space-between; margin-top: 20px;"> Ordinance No. _____ Resolution No. _____ </div>		

RE: REDEVELOPMENT AGENCY– EXCLUSIVE RIGHT TO NEGOTIATE (ERTN) AGREEMENT WITH MARTY & MICHELE L'HERAULT DBA OLD TOWN CARRIAGE COMPANY	FOR AGENDA DATE: January 18, 2011 AGENDA ITEM No.: <i>Page 2</i>
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SUMMARY *(continued)*

Old Town Carriage Company proposed disassembling the warehouse and creating a historic replica (using original design elements and building materials wherever possible) to house “Old Town Carriage Company”. The building and business would be an attraction for visitors and locals alike. The stable area will be immaculate, of the highest quality and will house the horses lavishly in clean wood shavings. The development will consist of an approximately 2,500 square foot building with an open space on the main floor to house 2-3 Victorian carriages and up to 3 box stalls to board the horses. The main floor will also contain a small retail space, approximately 500-600 square feet. The second floor will consist of a modest 2-bedroom living quarters to be owner occupied.

On August 7, 2007, following a review and recommendation by the Redevelopment Advisory Board, the Agency/Council approved a 180-day ERTN with Marty and Michele L’Herault. Extensions were approved on May 20, 2008, December 16, 2008, June 2, 2009, December 1, 2009 and July 6, 2011. Following the completion of the Buhne Warehouse deconstruction and successful summer and holiday carriage seasons, the attached extension request letter has been received from the developers.

During the last twelve months, the following items have been completed: The Agency and the developer have agreed on a purchase price for the property, a SBA 504 loan application is being prepared for submittal to the Arcata Economic Development Corporation and Architect Jack Freeman has been working with the City regarding preparation of the site. The carriage was in operation beginning June 18th of 2010, and was also in operation during the holiday season. The developers also continue to list their Midwest property for sale.

STAFF RECOMMENDATION:

1. Adopt a Joint Resolution of the City Council of the City of Eureka and Eureka Redevelopment Agency approving an Exclusive Right to Negotiate Agreement (ERTN) with Marty and Michele L’Herault dba Old Town Carriage Company, for the purchase and development of Agency property located at 1st and “C” Streets.
2. Authorize execution of a 180-day ERTN between the Eureka Redevelopment Agency and Marty and Michele L’Herault dba Old Town Carriage Company.

COUNCIL RESOLUTION 11-____
REDEVELOPMENT AGENCY RESOLUTION 11-____

**A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA AND
EUREKA REDEVELOPMENT AGENCY APPROVING AN EXCLUSIVE RIGHT TO
NEGOTIATE AGREEMENT WITH MARTY & MICHELE L'HERAULT DBA OLD
TOWN CARRIAGE COMPANY**

WHEREAS, the Eureka Redevelopment Agency ("Agency") on December 4, 1973, adopted the Eureka Tomorrow Redevelopment Plan (the "Redevelopment Plan"); and

WHEREAS, the Agency owns the property, known as APN 001-013-016, containing approximately 7,017 square feet of land, and located on the southwest corner of First and "C" Streets in Eureka; within the project area defined in the Redevelopment Plan (the "Property"); and

WHEREAS, Old Town Carriage Company (the "Developer") desires to create a historic replica of the H.H. Buhne Warehouse (using original design elements and building materials wherever possible) to house "Old Town Carriage Company" on Agency owned property. The development will consist of an approximately 2,500 square foot building with an open space on the main floor to house 2-3 Victorian carriages and up to 3 box stalls to board the horses. The main floor will also contain a small retail space, approximately 500-600 square feet. The second floor will consist of a 2-bedroom living quarters to be owner occupied (the "Improvements"); and

WHEREAS, the Developer desires the Agency to hold the property off the market while the Developer and the Agency attempt to negotiate a Disposition and Development Agreement ("DDA") for the Building; and

WHEREAS, the Agency wishes to enter into an Exclusive Right to Negotiate Agreement (the "Agreement") with the Developer under which the Agency agrees to hold the Building off the market for One Hundred Eighty (180) days while the Agency and the Developer attempt to negotiate a DDA for the Building.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. All of the above recitals are true and correct.
2. The City/Agency approves the Agreement and authorizes the Agency Executive Director to sign the Agreement and related documents as the Agency Executive Director may deem necessary and appropriate, and to perform all acts and sign all documents necessary to implement the Agreement pursuant to its terms.

COUNCIL RESOLUTION 11-____
REDEVELOPMENT AGENCY RESOLUTION 11-____
PAGE TWO

PASSED, ADOPTED AND APPROVED by the Council of the City of Eureka and, County of Humboldt, State of California, on the 18th day of January, 2011, by the following votes:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS

FRANK JÄGER, Mayor
City of Eureka

ATTEST:

PAMELA J. POWELL
City Clerk

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:

DAVID W. TYSON
City Manager

WILLIAM BRAGG
Acting City Attorney

COUNCIL RESOLUTION 11-____
REDEVELOPMENT AGENCY RESOLUTION 11-____
PAGE THREE

PASSED, ADOPTED AND APPROVED by the Board of the Eureka Redevelopment Agency of the City of Eureka, County of Humboldt, State of California, on the 18th day of January, 2011, by the following votes:

AYES: BOARDMEMBERS
NOES: BOARDMEMBERS
ABSENT: BOARDMEMBERS
ABSTAIN: BOARDMEMBERS

FRANK JÄGER, Chair
Eureka Redevelopment Agency

ATTEST:

PAMELA J. POWELL
Executive Secretary

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:

DAVID W. TYSON
Executive Director

WILLIAM BRAGG
Acting Agency Attorney

January 11, 2011

Cindy Trobitz-Thomas
Redevelopment Director
City of Eureka
531 K Street
Eureka, CA 95501

RE: Exclusive Right to Negotiate (ERTN)

Dear Ms. Trobitz-Thomas,

Please consider this letter as a request to extend our exclusive right to negotiate, (ERTN), with the City of Eureka for a period of 180 days. We believe we have made substantial progress regarding the Buhne Warehouse project to be re-constructed at the corner of 1st and C Streets.

Our general contractor, Binnie Construction and our project architect Freeman Architects are prepared to move forward once financing is confirmed. Our business plan is in place and loan application nearing completion.

As stated in the original Request for Proposals application which the City approved, our funding is contingent upon the sale of our property in the Midwest. With Spring's arrival, we are determined to sell that property and begin the construction phase of the project.

It is very exciting to see the City's progress on the Fisherman's work terminal as well as the entire C Street Market Square Development. We look forward to being a part of, and contributing to, this vibrant waterfront location. We feel that the Old Town Carriage Co. will be a positive addition and help recreate the historic feel of a Victorian seaport.

Sincerely,



Old Town Carriage Co.
3004 N Street
Eureka, CA 95501

EXCLUSIVE RIGHT TO NEGOTIATE AGREEMENT

This **EXCLUSIVE RIGHT TO NEGOTIATE AGREEMENT** ("Agreement") is entered into this 18th day of January, 2011, (the "Effective Date") by and between the Eureka Redevelopment Agency, a public body, corporate and politic ("Agency") and Marty and Michele L'Herault DBA Old Town Carriage Company ("Developer"). (Collectively, the Agency and the Developer shall be referred to as the "Parties").

The Agency and the Developer agree as follows:

I. NEGOTIATIONS

A. Length of Negotiation Period.

Unless extended by mutual consent of the parties, the "Negotiation Period" shall be for one hundred eighty (180) days following the Effective Date, or as otherwise provided in Sections IX.D and IX.E of this Agreement, commencing on the date of this Agreement; provided, however, that the Negotiation Period may be terminated earlier pursuant to the provisions of Section IX.B of this Agreement.

B. Good Faith Negotiations.

The Agency and the Developer shall negotiate diligently and in good faith during the Negotiation Period towards a Disposition and Development Agreement ("DDA") providing for the disposition by the Agency to the Developer, of certain real property ("Property") described in the attached Exhibit A to this Agreement which is incorporated into this Agreement by this reference. The Parties contemplate that the Developer will construct a facility with a 2500 square-foot main floor to house Victorian carriages, up to three box stalls for horses and a small retail space; the second floor will consist of a modest two-bedroom, owner occupied living quarters (the "Project"). The Parties adopt by reference that certain proposal and each of its components submitted by the

Developer on July 6, 2007. The Parties also contemplate that the actual negotiations regarding the DDA will not commence until later in the Negotiation Period, after the Developer has submitted certain required information to the Agency and after the Parties have undertaken preliminary planning and analysis of the Project.

C. Exclusive Negotiations.

The Agency shall not negotiate with any other person or entity regarding development of the Property or any portion of the Property, or solicit or entertain bids or proposals to do so, during the Negotiation Period.

II. CONSIDERATION

A. Down Payment for Administrative Services.

No down payment shall be required upon execution of this document. In the event that consultants, mutually agreed to, or monies are required to pay for services, the Developer shall deposit any amount required within ten (10) days written notice from the Agency and any outside consultants determined to be necessary by the Agency.

B. Payment Upon Entering Into DDA.

The Developer acknowledges and understands that the Agency will require as a condition to entering into the DDA that the Developer must provide a down payment toward the acquisition or lease of the Property. The specific amount of the down payment will be determined during the first one hundred twenty (120) days of the Negotiation Period.

III. SCHEDULE OF PERFORMANCE.

The Developer shall perform the following activities during the Negotiation Period:

A. Legal Status of Developer.

Within sixty days (60) days of the date of this Agreement, the Developer shall provide to the Agency written statements identifying the Developer's principals and showing their respective interest. Further, Developer shall provide documentation of its legal existence and its authority to conduct business in the State of California.

B. Project Submissions Within 120 Days.

Within one hundred twenty (120) days of the Commencement Date, the Developer shall provide to the Agency the following information:

1. Name and person (persons) who will represent the Developer in negotiations with the Agency.
2. The Developer's previous relevant project experience. If there are joint venture partners, indicate their relevant experience separately.
3. A narrative description of the development proposed, including a description of its physical characteristics and estimated gross sq. ft. of the Project area by use.
4. A Funding Sources and Uses Table for the Project, which shall show the funding sources and uses for the Project including all anticipated development costs, land acquisition and public improvement cost. Such table shall also indicate the proportions of public assistance anticipated, its sources and its uses.
5. Estimated development and pre-development schedule including time required for design and City processing.
6. Income and Cash Flow Projections (next two years).
7. Pro Forma Balance Sheet with complete table of assumptions.
8. Personal Financial Statements of Principal Owner(s) (those with a 20% Ownership or

more) which will be stamped **CONFIDENTIAL** and submitted under separate cover.

9. Individual Federal Tax Returns of Principal(s) - past three years which will be stamped **CONFIDENTIAL** and submitted under separate cover.

10. Executed copies of any contracts which the Developer has entered into with its consultants for the Project, pertaining to architectural, engineering, environmental analysis and soil analysis.

11. Architectural and site plans for the Project; showing the building layout, proposed square footage, access points and parking layout areas. The plans should include conceptual building elevations that indicate the architectural style and integrity of the development. The plan should show adjacent land uses to illustrate the projects relationship to the surrounding area and land uses.

12. The Developer shall demonstrate to the Agency that it has lender, grantor and equity commitments for all financing necessary for the Developer to complete the Project, by submitting to the Agency written letters of commitment for all required funding. For any equity commitments which the Developer obtains, the Developer shall submit to the Agency current audited financial statements of the party providing such commitments prepared by an independent certified public accountant in accordance with generally accepted accounting principles. Commitments for any loans or grants required to complete the Project shall be valid for at least six months (6) months following the date which is one hundred twenty (120) days form the date of this Agreement.

13. Price and terms for purchase of Property.

IV. AGENCY APPROVAL OF DEVELOPER SUBMISSIONS.

Within thirty (30) days after the Agency receives any information or documents required to be submitted to it by the Developer pursuant to Section III of this Agreement, the Agency

shall advise the Developer of its acceptance or rejection of the information or documents. If the Agency rejects any information or documents submitted to it by the Developer, it shall grant the Developer an opportunity to revise its submission and to resubmit such revised submission to the Agency within a reasonable time frame. The Agency shall advise the Developer of its acceptance or rejection of any such revised submission within thirty (30) days of its receipt of the revised submission from the Developer.

V. ENVIRONMENTAL REVIEW.

If the Developer has fully performed under the terms and conditions of Section II and III of this Agreement in a timely manner, and the Agency has approved all required information submitted to it by the Developer, the Developer shall commence the process of environmental review, as required by Public Resources Code Section 21000 *et. seq.* ("CEQA").

A. Selection of Consultant and Scope of Work

The Agency shall select a consultant, with the consent of the Developer, to conduct the environmental review (the "Environmental Consultant") of the Project. The Agency shall negotiate the Environmental Consultant's contracts, scope of work and qualifications for review in consultation with the Developer. Upon approval of the contract/s, the Environmental Consultant shall begin preparation of the environmental review within thirty (30) days after the Developer meets all of the requirements of Section II and III of this Agreement.

B. Consultant's Fees

The Developer shall pay all costs and expenses for the required environmental review, including amounts in the approved contract between the Developer and the Environmental Consultant.

VI. NEGOTIATION OF DISPOSITION AND DEVELOPMENT AGREEMENT

If the Developer has performed all of the requirements of Section II and III of this Agreement in a timely manner, the Agency shall deliver to the Developer a draft of the DDA within thirty (30) days after the Developer's completion of performance. The Developer and Agency shall negotiate diligently and in good faith until the one hundred eightieth (180) day of the Negotiation Period pursuant to Sections IX.C and IX.D below, or the Parties shall terminate this Agreement.

The Developer understands and agrees it is solely responsible for obtaining all governmental permits for the project, at the Developer's sole expense.

VII. AGENCY RESPONSIBILITIES

The Developer understands and acknowledges that any DDA resulting from the negotiations arising from this Agreement shall become effective only if and only after such DDA has been considered and approved by the Agency Board and City Council of the City of Eureka at a public hearing called for that purpose.

VIII. RIGHT OF ENTRY

A. Right of Entry

Prior to execution of a DDA the Developer has requested the right to enter the Property in order to perform due diligence. The Agency hereby grants to the Developer a right of entry to enter the Property for the purposes of conducting inspections, and performing other due diligence work. Prior to entering the Property, the Developer shall provide the Agency with evidence of general liability insurance with limits not less than Two Million Dollars (\$2,000,000) for each occurrence combined single limit for Bodily Injury and Property Damage, including coverage for Contractual Liability, Personal Injury, Broadform Property Damage, Products and Completed Operations. Developer shall

be responsible for restoring the Property to its original condition prior to any entry other than as provided below. Developer shall indemnify, defend and hold the Agency and its Directors, officers, employees and agents harmless from any and all claims, liabilities, damages, losses, expenses, costs and fees (including attorney's fees and costs) which may proximately arise out of the Developer's entry upon the Property or the investigations and tests which the Developer may conduct. Developer shall provide the Agency with copies of any reports or studies conducted regarding the Property at such time as Developer receives such reports.

IX. FAILURE TO PERFORM UNDER THIS AGREEMENT

A. Time is of the Essence

The Agency and the Developer hereby acknowledge that time is of the essence to this Agreement, such that the Developer's failure to fully perform according to the terms and conditions of this Agreement shall be considered a material breach of this Agreement.

B. Early Termination

On or before the date which is one hundred eighty (180) days following the Commencement Date, either party may terminate this Agreement if it determines that development of the Property in the manner contemplated by this Agreement is not financially feasible.

C. Notice to Developer of Breach

In the event that the Developer fails to perform pursuant to the terms and conditions of this Agreement, the Agency may declare the Developer in default and terminate this Agreement upon fifteen (15) days written notice to Developer.

D. Agency Discretion to Extend Time for Performance

Notwithstanding the above, if the Agency determines that it is in the best interests of

the Agency, the Agency may extend the time for Developer's performance of any of the terms and conditions of this Agreement, for up to one hundred twenty (120) days. The Agency shall have sole discretion to grant an extension to the Developer and in no event shall this provision be construed so as to convey any right or entitlement to an extension for performance to the Developer.

E. Extension of Time to Complete Legal Requirements

In the event that the Developer has fully performed under the terms and conditions of this Agreement in a timely manner, and in the event that the Parties have negotiated a preliminary DDA over which the Parties have reached agreement about its terms, the Agency shall extend the Negotiating Period by the amount of time necessary to complete the environmental review required by CEQA, and the amount of time necessary to give public notice of consideration of adoption of the DDA pursuant to Health and Safety Code Section 33433.

X. HOLD HARMLESS

The Developer hereby covenants, on behalf of itself, its successors and assigns, to indemnify, defend save and hold harmless and defend the Agency, its elected officials, agents, directors, staff, volunteers and designated representatives, from all claims, demands or actions arising from the Developer's actions with respect to this Agreement, including but not limited to the Agency's actions or lack of actions with respect to proposals submitted to it by the Developer both prior and subsequent to this Agreement, the Agency's action or lack of actions with respect to the Property, the Agency's negotiation and execution of this Agreement, any prior negotiations and agreements by and between the Parties and negotiation and execution of a DDA for the Project.

XI. LIMITATIONS

By its execution of this Agreement, the Agency is not committing itself to or agreeing to undertake (a) commitment or reservation of public funds, revenues or reserves to the Project; (b) approval of the Project by the Agency; (c) any other acts or activities requiring the subsequent independent exercise of discretion by the Agency, or any agency or department of the City.

This Agreement does not constitute a disposition of property of the Agency, and does not require a public hearing. Execution of this Agreement by the Agency is merely an agreement to enter into a period of exclusive negotiations according to the terms of this Agreement, and reserves final discretion and approval by the Agency as to any DDA and all proceedings and decisions in connection with any DDA.

This Agreement also shall not prevent the Agency from providing any person or entity with any information regarding the Property which is contained in the public records.

XII. ATTORNEYS' FEES

In the event any action is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to an award of attorney's fees and experts' fees incurred in connection with such action.

IN WITNESS WHEREOF, this Agreement has been executed by the Parties on the
date first written above.

AGENCY:

Eureka Redevelopment Agency

By: _____

Its: Executive Director

ATTEST:

Pamela J. Powell
Agency Secretary

DEVELOPER:

Old Town Carriage Company

By: _____

Its: Owner

APPROVED AS TO FORM:

William Bragg
Acting Agency Attorney

EXHIBIT A

DESCRIPTION OF PROPERTY

LEGAL DESCRIPTION

APN 001-013-016, containing approximately 7,017 square feet of land, and located on the southwest corner of First and "C" Streets in Eureka.

AGENDA SUMMARY

RE: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA AUTHORIZING AN INCREASE IN ENTERPRISE ZONE HIRING CREDIT VOUCHER APPLICATION FEES

FOR AGENDA DATE: JANUARY 18, 2011

AGENDA ITEM No.: //

RECOMMENDATION:

Council adopt the attached resolution authorizing an increase of \$5 per Enterprise Zone voucher fee, which will be remitted to the State of California.

SUMMARY:

On November 5, 2010, staff received the attached memorandum from the Deputy Director of the State Department of Housing and Community Development (HCD), the department responsible for administration of the Enterprise Zone Program.

Pursuant to the passage, signing and chaptering of SB 856, the Enterprise Zone Hiring Credit Voucher application fee payable to HCD has been increased from \$10 to \$15, effective December 1, 2010. The current and proposed voucher fees charged by the City are as follows:

Enterprise Zone Voucher Fee:	\$40 Current
	\$45 Proposed

Retroactive Voucher (over 18 months):	\$75 Current
	\$80 Proposed

Expedited Voucher (2 weeks)	\$75 Current
	\$80 Proposed

It is recommended that Council adopt the attached resolution authorizing the voucher fee increases proposed above.


FISCAL IMPACT:

No net fiscal impact. The \$5 per voucher increase will be passed through and remitted to the State of California on a monthly basis.

DEPARTMENT HEAD SIGNATURE:


Cindy Trobitz-Thomas
Redevelopment Director

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

REVIEWED BY:

City Attorney
Finance

DATE:

1-12-11
1-11-11

INITIALS:

W.B./sh
plr/sh

Council Action:

Ordinance No. _____

Resolution No. _____

RESOLUTION 2011-_____

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EUREKA
INCREASING THE ENTERPRISE ZONE HIRING CREDIT
VOUCHER APPLICATION FEES AS AUTHORIZED BY SB856**

WHEREAS, Senate Bill 856 authorizes increases to the Enterprise Zone Hiring Credit Voucher Application Fees which are payable to the State of California Department of Housing and Community Development; and

WHEREAS, the payment for each voucher application has been increased from \$10 to \$15 per voucher, effective December 1, 2010; and

WHEREAS, the City is required to remit an extra \$5 to the Department of Housing and Community Development for each voucher processed, on a monthly basis;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Eureka that the voucher fees be increased by \$5 for each regular, retroactive and expedited voucher application processed, and remitted to the State of California Department of Housing and Community Development.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 18th day of January, 2011, by the following vote:

ATTEST:

PAMELA J POWELL
City Clerk

FRANK JÄGER
Mayor

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:

DAVID W. TYSON
City Manager

WILLIAM BRAGG
Acting City Attorney

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF FINANCIAL ASSISTANCE**

1800 Third Street, Suite 390
P O Box 952054
Sacramento CA 94252-2054
(916) 322-1554
FAX (916) 323-6660



Enterprise Zone Program

MANAGEMENT MEMORANDUM Memorandum Number 10-03

Date: November 5, 2010

TO: All G-TEDA Administrators

From: Chris Westlake
Deputy Director

A handwritten signature in black ink, appearing to read "Chris Westlake", written over the printed name and title.

SUBJECT: Notice of New Hiring Credit Voucher Application Fees

Pursuant to the passage, signing, and chaptering of SB 856, the Enterprise Zone Hiring Credit Voucher application fee which is payable to the Department of Housing and Community Development for each voucher application received has been increased from \$10 to \$15 per voucher.

In order to allow local enterprise zones sufficient time to notify applicants of the increase and to adjust their own collection processes, the fee increase will not take effect until December 1, 2010. Thereafter the department's fee for all applications received shall be \$15.00 per voucher application. The report and accompanying remittance for activities in December of 2010 (due on or before January 25, 2011) will therefore reflect the new fee amount.

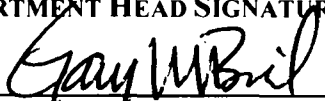
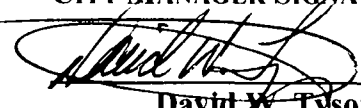
SB 856 (Chapter 719, Statutes of 2010)

"... (9) Existing law prescribes the duties and responsibilities of the Department of Housing and Community Development in connection with the establishment of various economic development areas, including enterprise zones, manufacturing enhancement areas, targeted tax areas, and local agency military base recovery areas. Existing law authorizes the department to assess each of these economic development areas a fee of not more than \$10 for each application it accepts for the issuance of a specified tax certificate issued by a local government. This bill would revise these provisions to require the department to collect a fee of \$15 for each application it accepts for the issuance of the specified tax certificate. The bill would require the fees to be deposited in the Enterprise Zone Fund, which the bill would create. These funds would be available to the department, upon appropriation by the Legislature, for the costs of administering the programs relating to each economic development area...."

CITY OF EUREKA
SCHEDULE OF FEES AND CHARGES
2010-11

Service		Local Authorization	State Code(s)
REDEVELOPMENT - ECONOMIC DEVELOPMENT			
Revolving Loan Application Fee (OPA, DDA)	\$300.00	Charter, Section 708 Gen Rev, Resolution 2009-16	
Façade Loans Fee	\$200.00	Resolution No. 2005-11, Resolution 2099-16	
Staff Processing of Request/Documentation/Appeal	\$100.00	Resolution No. 2005-11	
Substitution of Trustee or document preparation Fee (will be assessed if staff is asked to re-issue already released document)	\$25.00	Resolution No. 2005-11	
Revolving Loan Fund Fee	\$300.00	Resolution No. 2005-11, Resolution 2009-16	
Sign Variation Fee	\$150.00	Resolution No. 2006-19	
First Time Homebuyer	\$155.00	Resolution No. 2006-19	
Enterprise Zone Voucher Fee	\$40.00	Resoltuion 2009-16	
	\$75.00	Resolution 2010-46	
Retroactive voucher (over 18 mos.)	\$75.00	Resoltuion 2009-16	
	\$75.00	Resolution 2010-46	
Expedite Voucher (2 weeks)		Resoltuion 2009-16	
		Resolution 2010-46	
Subordination fee	\$100.00	Resolution No. 2005-11	

EUREKA CITY COUNCIL
AGENDA SUMMARY

RE: TEMPORARY FIREFIGHTER OVERHIRE	FOR AGENDA DATE: JANUARY 18, 2011 AGENDA ITEM No.: 12	
RECOMMENDATION: 1. Approve hiring one Firefighter as temporary overhire in the Fire Department.		
SUMMARY: With the adoption of the FY 10/11 budget, the City Council authorized a hiring freeze for three vacant Firefighter positions, and the early retirement of the Fire Chief and one Fire Captain II position. Both retirements were accomplished. With the recent passage of Measure "O", Council authorized the Dept. to move forward with filling the three previously frozen positions and the vacant Captain II position. The Fire Dept. is requesting authorization to hire a fourth firefighter as a temporary overhire (approx. 4 months). The fourth position results from the anticipated filling of the vacant Captain II position. As the Captain II position is filled, a vacancy will be created at the Fire Captain level. This vacancy, when filled, will then create a vacancy in the rank of Fire Engineer, and ultimately create a vacant Firefighter position. This vacancy is expected to occur in June 2010. Approval of the "overhire" will allow the Dept. to complete the selection process for the fourth position, including the necessary background investigation and medical/psychological evaluation, all of which can be lengthy. The "overhire" will also allow the department to run the four firefighters through a single departmental training academy rather than having to conduct two back-to-back academies. This temporary overhire will last approximately 4 months, at which time the promotion induced vacancy (described previously) is anticipated to occur. Given the complexity and time frame required to bring a firefighter on duty, the Dept. is in need of filling the position prior to the current employee's retirement in order to facilitate proper training, and to assist with managing the Dept's workload. Filling this position for 4 months as a temporary overhire will require 4 months of salary allocated into the current budget totaling \$27,239.		
FISCAL IMPACT: A total expenditure of \$27,239 is required to fill this position for four months as a temporary overhire at a Firefighter, Step 1 salary rate. The cost of expenditure currently exists in Fire Dept. Suppression Personnel Accounts 110- 42203-1110 thru 110-42203-1317.		
DEPARTMENT HEAD SIGNATURE:  _____ Gary M. Bird Personnel Director	CITY MANAGER SIGNATURE:  _____ David W. Tyson City Manager	
REVIEWED BY: City Attorney Finance	DATE: _____ _____	INITIALS: _____ _____
Council Action: Ordinance No. _____ Resolution No. _____		

AGENDA SUMMARY**RE: 2010 California Fire Code****FOR AGENDA DATE:** January 18, 2011**AGENDA ITEM NO.:**

14

RECOMMENDATION:

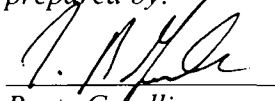
1. Waive reading, read by title only, and adopt Bill No. 833-C.S., an ordinance amending Title 9, Chapter 92, Adoption of the California Fire and Life Safety Code, repealing Sections 92.01 through 92.06 and replacing with new sections 92.01 through 92.06, adopting by reference the 2010 California Fire Code and related model codes and appendices and amendments.

SUMMARY:

On January 4th, 2011, the City Council introduced Bill No. 833-C.S., an ordinance amending Title IX, Chapter 92, Adoption of the California Fire and Life Safety Code, adopting by reference the 2010 editions of the California Fire Code. In addition, the proposed ordinance replaces Eureka Municipal Code (EMC) Sections 92.01 through 92.06. Bill No. 833-C.S. is before the City Council tonight for adoption.

The California Building Standards Commission (BSC) updates and amends the California Building Standards Code every three years. California Health and Safety Code Section 18938 mandates that the most recent edition of this code shall apply to all occupancies throughout the State and shall become effective 180 days after publication in the California Building Standards Code. For this code cycle, the effective date was January 1, 2011.

prepared by:


 Rusty Goodlive
 Fire Marshal

Continued page 2

FISCAL IMPACT: None with this action.**DEPARTMENT HEAD SIGNATURE:**


 Bill Gillespie
 Interim Fire Chief

CITY MANAGER SIGNATURE:


 David W. Tyson
 City Manager

REVIEWED BY:

Assistant City Manager

City Attorney

Engineering

DATE:

12-29-10

12-29-10

12-29-10

INITIALS:

MK

BB

KG

Council Action: 2010 California Fire Code

Ordinance No. _____

Resolution No. _____

AGENDA SUMMARY

If approved, Bill NO. 833-C.S. adopts the 2010 California Building Standards Code as the Fire and Life Safety Code of the City of Eureka, as stated in Eureka Municipal Code Title 9, Chapter 92, Section 92.01. Section 92.01 references and includes the codes adopted in Eureka Municipal Code Title 15, Chapter 150, Sections 150.015 through 150.022, which include:

- 2010 California Building Code (Title 24, Part 2) based on the 2009 International Building Code;
- 2010 California Residential Code (Title 24, Part 2.5) based on the 2009 International Residential Code
- 2010 California Electrical Code (Title 24, Part 3) based on the 2008 National Electrical Code;
- 2010 California Mechanical Code (Title 24, Part 5) based on the 2009 Uniform Mechanical Code;
- 2010 California Plumbing Code (Title 24, Part 6) based on the 2009 Uniform Plumbing Code;
- 2010 California Energy Code (Title 24, Part 6);
- 2010 California Historical Building Code (Title 24, Part 8);
- 2010 California Fire Code (Title 24, Part 9) based on the 2009 International Fire Code;
- 2010 California Existing Building Code (Title 24, Part 10) based on the 2009 International Building Code;
- 2010 California Green Building Standards Code (Title 24, Part 11);

The 2010 California Building Standards Code incorporates the above referenced model codes that have been amended by the BSC to increase the safety of the public and to reduce the potential for property damage from fire, earthquakes, and other natural or manmade disasters. It has been widely demonstrated where the latest Construction Codes are adopted and properly enforced, losses are dramatically reduced.

Fees do not increase by adopting the 2010 California Fire Code. Bill No. 833-C.S. provides that fees will continue to be adopted by resolution. Fees are contained in the "Schedule of Fees and Services Charges" and considered annually by the City Council.

In addition to adopting the 2010 California Building Standards Code as the Fire and Life Safety Code of the City of Eureka, Bill No. 833-C.S. amends Sections 92.01 through 92.06. Bill No. 833-C.S. as written proposes changes to code section references by updating those references to the 2010 California Fire Code, and applicable sections.

Local governments may amend the building standards contained in California Code of Regulations (CCR), Title 24 for all occupancies, and the regulations of the Department of Housing and Community Development applicable to residential structures. The provisions of law that permit these local government amendments contain subtle differences. Building Standards Law requires the following:

- The governing body of the local government must make express findings that

amendments to the building standard contained in CCR, T-24 are necessary because of local climatic, geological, or topographical conditions.

- The local government amendments must provide a more restrictive building standard than that contained in CCR, T-24.
- The amendments are neither effective nor operative until copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings, have been filed with the California Building Standards Commission.

Bill No. 833-C.S. contains several amendments to the 2010 California Fire Code, Title 24, Part 9 only. The proposed amendments are found in the proposed new Eureka Municipal Code Section 92.02. Many of these amendments are adoptions of Chapters or Sections of Chapters of the International Code that were not adopted by the State.

Attached for reference is Bill No. 833-C.S. which contains all new proposed language. Also attached is a copy of prior sections 92.01 through 92.06 with proposed new language underlined and language recommended to be deleted in strike-through.

The new model code has been reviewed by the Humboldt County Fire Prevention Officers Association and bill 833-C.S. contains their approved adoptions and amendments.

ATTACHMENTS:

Bill No. 833-C.S.

**AN ORDINANCE OF THE CITY OF EUREKA AMENDING EUREKA
MUNICIPAL CODE TITLE 9, CHAPTER 92, SECTIONS 92.01 THROUGH 92.06
ADOPTING THE 2010 EDITIONS OF THE CALIFORNIA CODES AND
RELATED MODEL CODES WITH APPENDICES AND AMMENDMENTS ALL
RELATING TO FIRE AND LIFE SAFETY**

Be it ordained by the City Council of the City of Eureka as follows:

Section 92.01 through Section 92.06 of the Eureka Municipal Code is amended to read as follows:

**§ 92.01 ~~ADOPTION OF CALIFORNIA FIRE AND LIFE SAFETY~~
CODE.**

Those certain documents including their appendices, supplements, and errata, as adopted by the City of Eureka in the Eureka Municipal Code Title 15, §§ 150.015 through 150.022, copies of which are on file in the respective designated offices as referenced in §§ 150.015 through 150.022, are adopted as amended, deleted, and/or added to as the Fire and Life Safety Code of the city for regulation and providing minimum standards for the nationally recognized good practices for safeguarding to a reasonable degree of life and property from the storage, handling, and use of hazardous substances, material, and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises in the city; providing penalties for the violation of such codes; and each and all of the regulations, provisions, penalties, conditions and terms of the aforementioned codes, published by said organizations, and amended by the state, on file in the office of the city are hereby referred to, adopted and made part hereof as amended, deleted and/or added to as if fully set out in this section.

('63 Code, § 3-3.01) (Ord. 350-C.S., passed 10-6-89; Am. Ord. 497-C.S., passed 7-20-89; Am. Ord. 516-C.S., passed 7-19-90; Am. Ord. 604-C.S., passed 1-16-96; Am. Ord. 666-C.S., passed 3-4-03; Am. Ord. 720-C.S., passed 1-15-08)

§ 92.02 CALIFORNIA FIRE CODE AMENDMENTS.

The 2010 ~~2007~~ California Fire Code, Title 24, Part 9, Based on the 2009 ~~2006~~ International Fire Code is hereby amended as follows:

(A) Chapter 1 – Scope and Administration, the following sections are added to the Fire Code:

- a. Section 101 - General. Entire section is adopted.
- b. Section 102 - Applicability. Entire section is adopted.

c. Section 103 - Department of Fire Prevention. Entire section is adopted.

d. Section 104 - General Authority and Responsibilities. Entire section is adopted.

e. Section 106 - Inspections. Entire section is adopted.

j. Section 107 - Maintenance. Entire section is adopted.

k. Section 108 Board of Appeals: Section is adopted and amend section to read: Board of Appeals shall be established in § 150.024 of the Eureka Municipal Code

h. Section 109 - Violations. Entire section is adopted.

i. Section 110 - Unsafe Buildings. Entire section is adopted.

j. Section 111 - Stop Work Order. Entire section is adopted.

k. Section 112 – Service Utilities. Entire section is adopted

l. Section 113 – Fees. Entire section is adopted

(B) Chapter 3- General Precautions Against Fire, is added to the Fire Code, and the entire chapter is adopted with the following amendment

a. Exception: Section 308.2 Open Flames, Permit required is omitted.

~~(B) Chapter 4- Emergency Planning and Preparedness, the following sections are added to the Fire Code:~~

~~a. Section 401 General. Entire section is adopted.~~

~~b. Section 402 Definitions. Entire section is adopted.~~

~~c. Section 403 Public Assemblages and Events. Entire section is adopted.~~

~~d. Section 404 Fire Safety and Evacuation Plans. Entire section is adopted.~~

~~e. Section 405 Emergency Evacuation Drills. Entire section is adopted.~~

(C) Chapter 5 - Fire Service Features, is added to the Fire Code, and the entire chapter is adopted with the following amendments.

- a. Section 505.1.1 is added to read: For other than one and two family dwellings and individual mobile homes, address numbers shall be a minimum of 6 inches in height. Where buildings are set back from the street, larger numbers may be required.

Exception: Existing legible identification

- b. Section 505.1.2 is added to read: In multi-tenant buildings individual tenant spaces shall be identified with characters a minimum of 2 inches in height located on the entry door or on the wall at the strike-side of the entry door.

Exception: Existing legible identification

- c. Section 506.1.2 is added to read: Approved key boxes shall be installed in new buildings equipped with fire alarm systems, fire sprinkler systems, elevators, and/or as required by 506.1. Key boxes shall be installed in existing buildings where new fire alarm systems, fire sprinkler systems, and/or elevators are installed, or as required by 506.1.

- d. Section 506.1.3 is added to read: Motorized gates providing access to facilities or property shall be provided with an approved gate key switch or other approved means of emergency operation. The switch shall be installed so it will open the gate and the gate will remain in the open position until re-set by the fire department.

(D) Chapter 8 – Interior Finish, Decorative Materials, and Furnishings

- a. Section 806 Decorative Vegetation in New and Existing Buildings is adopted

Exception: Section 806.1 is omitted.

(E) Chapter 9– Fire Protection Systems

- a. Section 903.4.4 is added to read: In addition to the requirements of 903.4, valves on connections to water supplies, sectional control and isolation valves, and other valves in supply pipes to sprinklers and other fixed water-based fire suppression systems shall be locked in the correct position.

(D) Chapter 17 - Fumigation and Thermal Insecticidal Fogging, is added to the Fire Code, and the entire chapter is adopted.

~~(E) Chapter 25 – Tire Rebuilding and Tire Storage, is added to the Fire Code, and the entire chapter is adopted.~~

(F) ~~Appendix Chapter 1 – Administration, the following sections are added to the Fire Code:~~

- a. ~~Section 101 – General. Entire section is adopted.~~
- b. ~~Section 102 – Applicability. Entire section is adopted.~~
- c. ~~Section 103 – Department of Fire Prevention. Entire section is adopted.~~
- d. ~~Section 104 – General Authority and Responsibilities. Entire section is adopted.~~
- e. ~~Section 106 – Inspections. Entire section is adopted.~~
- f. ~~Section 107 – Maintenance. Entire section is adopted.~~
- g. ~~Section 108 – Board of Appeals. Adopt entire section, and amend section to read:~~

~~Board of Appeals shall be established in §150.024 of the Eureka Municipal Code~~
- h. ~~Section 109 – Violations. Entire section is adopted.~~
- i. ~~Section 110 – Unsafe Buildings. Entire section is adopted.~~
- j. ~~Section 111 – Stop Work Order. Entire section is adopted.~~

(G) ~~Appendix D- Fire Apparatus Access Roads. The entire Appendix is adopted~~ Adopt entire section, with the following amendments

- a. ~~D101.1 Scope, is amended to read:~~
 - i. ~~D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the California Fire Code.~~
- b. ~~D102.1 Access and Loading, is amended to read:~~
 - i. ~~D102.1 Access and Loading. Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to Fire Department apparatus by way of an approved fire apparatus access road with a compacted gravel, asphalt, concrete, or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds (34,050 kg).~~

c. ~~D103.1 Access road width with a hydrant, is amended to read:~~

i. ~~D103.1 Access road with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm). See Figure D103.1~~

d. ~~D103.2 Grade, is amended to read:~~

i. ~~D103.2 Grade. Fire apparatus access roads shall not exceed 16% in grade. Roads less than or equal to 10% grade may be compacted gravel. All roads in excess of 10% grade shall be asphalt, concrete, or other approved driving surfaces.~~

~~**Exception:** Grades steeper than 16% may be approved by the authority having jurisdiction with approved high traction surfaces. Requests for exception must be specifically approved for each application.~~

e. ~~D103.3 Turning Radius, is amended to read:~~

i. ~~D103.3 Turning Radius. The minimum turning radius shall be determined by the Fire authority having jurisdiction.~~

f. ~~D103.4 Dead Ends, is amended to read:~~

i. ~~D103.4 Dead Ends. Dead end fire apparatus roads in excess of 150 feet in length shall be provided with width and turnaround provisions in accordance with table D103.4.~~

g. ~~D103.5 Fire Apparatus Access Road Gates, is amended to read:~~

i. ~~D103.5 Fire Apparatus Access Road Gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:~~

(1) ~~The minimum gate width shall be 20 feet (6096).~~

(2) ~~Gates shall be of a swinging or sliding type.~~

(3) ~~Gates shall be constructed in such a manner to allow manual operation by one person.~~

(4) ~~Gates shall be maintained in operative condition at all times and repaired or replaced when found to be inoperative or damaged.~~

(5) ~~Electric gates shall include a Knox electric key switch control pad coded to the pattern of the agency having jurisdiction to allow Fire Department access.~~

(Ord. 350-C.S., passed 10-6-81; Am. Ord. 604-C.S., passed 1-16-96; Am. Ord. 666-C.S., passed 3-4-03; Am. Ord. 720-C.S., passed 1-15-08)

§ 92.03 ENFORCEMENT BY BUREAU OF FIRE PREVENTION.

(A) The 2010 ~~2007~~ California Fire Code, Title 24, Part 9, based on the 2009 ~~2006~~ International Fire Code, shall be enforced by the Bureau of Fire Prevention in the Fire Department of the city which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

(B) The Chief (or Fire Marshal) in charge of the Bureau of Fire Prevention shall be appointed by the Chief of the Fire Department on the basis of examination to determine his qualifications.

(C) The Chief of the Fire Department may detail such members of the Fire Department as Inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City Manager of the city the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause.

('63 Code, §3-3.04) (Ord. 350-C.S., passed 10-6-81; Am. Ord. 720-C.S., passed 1-15-08)

§ 92.04 LIMITS OF DISTRICTS FOR STORAGE OF EXPLOSIVES AND BLASTING AGENTS.

The limits referred to in Section 3301.1 of said 2010 California Fire Code, Title 24, Part 9, as referenced to the California Code of Regulations, Title 19, Division 1, Chapter 10, in which a permit is required for the storage of explosives and blasting agents, such storage is prohibited within the boundaries of the city.

('63 Code, §3-3.07) (Ord. 350-C.S., passed 10-6-81; Am. Ord. 720-C.S., passed 1-15-08)

§ 92.05 LIMITS OF DISTRICTS FOR STORAGE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS AND LIQUEFIED PETROLEUM GAS.

The geographic limits referred to in Section ~~3404.2.9.6.1~~ ~~3404.4~~ of said ~~2010~~ ~~2007~~ California Fire Code, Title 24, Part 9, in which the storage of flammable or combustible liquids in aboveground tanks outside of buildings is prohibited, and approved locations ~~the limits~~ referred to in Section ~~3406.5.1.1~~ ~~3406.4~~ of said Code in which construction of new bulk plants for the storage of flammable or combustible liquids is prohibited, and the geographic limits referred to in Section ~~3804.2~~ ~~3804.4~~ of said Code, in which the bulk storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas, are hereby established as all zone districts except the "MG" General Industrial

District as said district is defined and established by the zoning regulations of the city set forth in Chapter 155 of this Code.

The geographic limits referred to in Section 3406.2.4.4 of said 2010 California Fire Code, Title 24, Part 9, in which the storage of Class I and II flammable and combustible liquids in aboveground tanks at farms and construction sites are prohibited, are hereby established as the boundaries of the city.

The geographic limits referred to in Section 3506.2 of said 2010 California Fire Code, Title 24, Part 9, in which the storage of flammable cryogenic fluids in stationary containers is prohibited, is hereby established as the boundaries of the city.

('63 Code, §3-3.08) (Ord. 350-C.S., passed 10-6-81; Am. Ord. 720-C.S., passed 1-15-08)

§ 92.06 APPEALS.

Whenever the Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Board of Appeals of the city created by § 150.024.

('63 Code, §3-3.09) (Ord. 350-C.S., passed 10-6-81; Am. Ord. 720-C.S., passed 1-15-08)

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ____ day of _____, 2010 by the following vote:

AYES:	COUNCILMEMBERS
NOES:	COUNCILMEMBERS
ABSENT:	COUNCILMEMBERS
ABSTAIN:	COUNCILMEMBERS

Lance Madsen, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the _____ day of _____, 2010, and hereby approved.

Frank Jager, Mayor

Approved as to Administration:

Approved as to form:

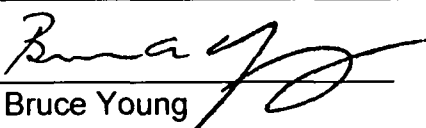
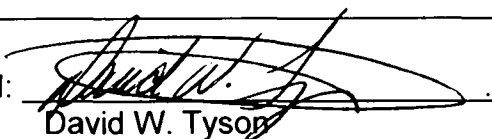
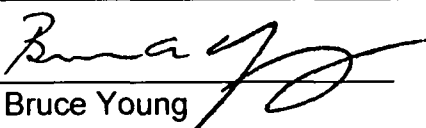
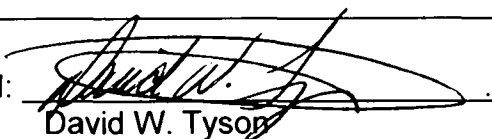
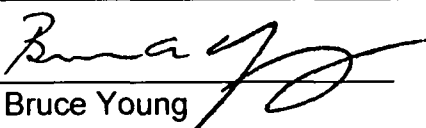
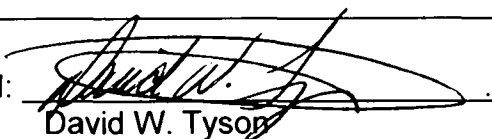
David W. Tyson, City Manager

William Bragg, Interim City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the ____ day of _____, 2010.

Pamela J. Powell, City Clerk

AGENDA SUMMARY

RE:	2010-11 Increase to Water Fees	For Agenda Date: January 18, 2011												
		Agenda Item No.: 15												
RECOMMENDATION: 1. Adopt the a Resolution of the City Council of the City of Eureka establishing water fees within the City of Eureka for FY 2010-11 through FY 2014-15 2. As an alternative, direct staff to bring back additional options for Council consideration.														
SUMMARY OF THE ISSUE: <u>Background</u> The City has historically conducted utility rate studies on a five year cycle. The last rate study was done in 2002-03 and the rates were adopted through June 30, 2008. In 2008, staff began working with consultants on a new rate study. Several city departments provided input: Finance staff prepared operating cost projections; Public Works and Engineering staff prepared lists of capital needs along with cost estimates; Finance staff provided statistics about the number and type of utility customers; and our financial advisor, PFM, used the capital project lists to create debt projections and created the specific rate tables, allocating costs to customers. <div style="text-align: center;">(continued on next page...)</div>														
FISCAL IMPACT: Approval of the water rate increases would generate approximately \$200,400 if effective 2/1/11 or \$160,300 if effective 3/1/11 of additional revenue for the water fund in FY 2010-11														
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: bottom;"> DH SIGN:  Bruce Young Public Works Director </td> <td style="width: 50%; vertical-align: bottom;"> CM SIGN:  David W. Tyson City Manager </td> </tr> </table>			DH SIGN:  Bruce Young Public Works Director	CM SIGN:  David W. Tyson City Manager										
DH SIGN:  Bruce Young Public Works Director	CM SIGN:  David W. Tyson City Manager													
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">REVIEWED BY:</td> <td style="width: 33%;">DATE:</td> <td style="width: 33%;">INITIALS:</td> </tr> <tr> <td>City Attorney</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Finance</td> <td>1-13-11</td> <td>PLR</td> </tr> <tr> <td>Assistant City Manager</td> <td>1-13-11</td> <td>MK</td> </tr> </table>			REVIEWED BY:	DATE:	INITIALS:	City Attorney	_____	_____	Finance	1-13-11	PLR	Assistant City Manager	1-13-11	MK
REVIEWED BY:	DATE:	INITIALS:												
City Attorney	_____	_____												
Finance	1-13-11	PLR												
Assistant City Manager	1-13-11	MK												
COUNCIL ACTION: Ordinance No. _____ Resolution No. _____														

RE:	2010-11 Increase to Water Fees	For Agenda Date: January 18, 2011
<p>SUMMARY OF ISSUE (continued)</p> <p>The City Manager and Assistant City Manager provided high level guidance and leadership throughout the process.</p> <p>The rate-setting team agreed the rates should be: sufficient to cover the City's costs, equitable to our customers so each customer pays their own fair share, easy to understand and administer, legal and encourage conservation. It was agreed only those capital projects necessary to the safe and reliable operation of our utility system would be included. It was also agreed that in setting our rates, to the extent practical, we would take into consideration the rate structures of our neighboring communities.</p> <p>The rates and rate methodology was first presented to Council at a special meeting held September 17, 2009. Following that, on October 1st staff conducted a community workshop focused on capital needs of the utility systems, the proposed rates and rate comparisons with other communities. On October 20th, Council authorized staff to begin the Proposition 218 process by sending the legal notices to customers and property owners. The notices were mailed by November 20th and informed recipients of the January 5, 2010, Public Hearing. Staff continued public outreach through workshops and presentations until the Public Hearing.</p> <p>After the Proposition 218 notices were mailed, and up until the Public Hearing on January 5, 2010, staff received many phone calls, letters, emails and public comment from property owners and rate payers concerned about the proposed rate increases. The most common concerns from the community were:</p> <ul style="list-style-type: none"> • The Proposition 218 notice was difficult to understand • The proposed rate increases were too high • The current senior rate on the sewer rates was being eliminated. <p>During the January 5, 2010, Public Hearing, testimony was taken from 17 citizens regarding concerns with the proposed rates and the Proposition 218 notification process. The concerns expressed during the Public Hearing were the same as the phone calls received during the notification period. Also at the Public Hearing, the City Clerk counted the protest letters which had been received:</p> <ul style="list-style-type: none"> • 798 protest letters received • 47 protest letters did not qualify • 751 valid protest letters 		

RE:	2010-11 Increase to Water Fees	For Agenda Date: January 18, 2011
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SUMMARY OF THE ISSUE (continued):

After hearing the testimony from the public and seeing the number of protest letters received, Council postponed taking any action on the proposed water and sewer rate increases and created a Utility Rate Ad Hoc Committee of 11 community members to work with staff to re-examine the cost inputs and rate methodologies.

The City thanks the following members of the Utility Rate Ad Hoc Committee who dedicated an extraordinary amount of time to becoming intimately familiar with the City's water treatment and distribution processes and the wastewater treatment and collection processes:

Ray Miller, Chair
Leo Sears, Vice Chair
Robert Bartley
Marian Brady
Tina Christensen
Brian Freeman
Barbara Groom
Melanie Kuhnel
Len Meyer (substituted for Barbara Groom occasionally)
Lisa Olivier
Sylvia Scott
Aaron Spehling

The Committee met a total of 16 times between February and June 2010. Activities included facility tours, extensive review of proposed capital projects, review of methodologies, comparing various rate proposals, discussions about conservation, etc.

On June 21, the task force voted 7 out of 8 present Committee members in favor of the revised rate proposal.

Largely due to the work of the Committee, cost inputs were significantly decreased for the water system. One of the capital projects, replacement of a pump station and piping at the high tank, originally scheduled for this rate cycle, and estimated to cost \$1.5 million, was delayed to the next five-year rate cycle, the annual "pay-as-you-go" capital appropriation request was reduced from \$750,000 per year to \$500,000 per year, and the inflation factor for certain operating costs was reduced. In addition, the beginning reserve balance at June 30, 2009, was greater than originally estimated, providing an additional \$900,000 in resources (part of which was consumed during FY 2009-10 with no rate increase) and also, a previous Water revenue bond was determined to have \$440,000 of unspent proceeds that are available to address current capital needs. Offsetting these savings, Humboldt Bay Municipal Water District (HBMWD) refined their operating and capital cost estimates resulting in an increase to the cost of wholesale water and a

RE:	2010-11 Increase to Water Fees	For Agenda Date: January 18, 2011
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SUMMARY OF THE ISSUE (continued):

requirement for Eureka to participate in the cost of debt service on HBMWD's anticipated capital plan. The ultimate result of all these changes to the cost inputs for the water rates is a decrease to the base rate and a slight increase to the flow rate. Compared to the original proposal, rates will be lower for most low-usage customers but higher for high-use customers. For this reason, the City needed to repeat the Proposition 218 notification process for water rates.

Council directed staff to repeat the Proposition 218 process with a Public hearing scheduled for September 21, 2010. After hearing testimony from the public and considering the number of protest letters received (750 valid protest letters), Council postponed taking any action on the proposed water rate increases and directed staff to review the rates for any possible reductions.

Staff has reviewed the major cost drivers for the water rate increase, which consist of Operating Costs, City Capital Improvement Projects, Capital Financing, Reserves, and Humboldt Bay Municipal Water District (HBMWD) Wholesale Water Costs and Capital Projects.

Operating Costs consists of items such as personnel, operating supplies, capital outlay, electricity HBMWD debt service on capital projects, and wholesale water costs. These costs are difficult or impossible to eliminate as they represent the cost of purchasing and delivering water to the ratepayers.

Capital Improvement Needs consists of funding for improvements in the transmission system (Mad River Pipeline). The Mad River Pipeline is the delivery system connecting the City distribution system to the HBMWD pipeline in Arcata. City staff has been developing and overseeing rehabilitation projects on this 75 year old pipeline since the mid 1990's to improve reliability on this very important piece of infrastructure. This work was split in to multiple sections based on priority of need. The current rate proposal includes continued funding for work on this pipeline in sections that haven't been rehabilitated as of yet.

Capital Financing consists of the funds needed to finance major capital improvement projects. This is usually accomplished through a Bond issuance and results in long term debt service to pay back the funds. The City has current debt service from previous bond issuance and had proposal another bond issuance for funding of the Mad River Pipeline Improvements.

Water Reserves consists of funds set aside for unforeseen emergencies. The appropriate reserve amount for the water fund has been set at \$1M or three (3) months of operating costs. At the start of the water rate review the reserves exceeded this amount and had been scheduled to be reduced through the 5 year rate period to the desired amount. The reduction of reserves would be used to reduce the water rates to the ratepayers and to fund some capital projects (Mad River Pipeline). Due to the increase of wholesale water costs starting last year, the excess reserves have been needed to provide the additional funding for this operating cost increase. In the current rate proposal, \$1M is taken from the excess reserves to fund a portion of the Mad River Pipeline rehabilitation work.

RE:	2010-11 Increase to Water Fees	For Agenda Date: January 18, 2011
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SUMMARY OF ISSUE (continued):

Staff also reviewed the methodology used in setting the rates which are as follows:

Proposition 218 calls for equitable rate setting. The methodology used, which was recommended the California Rural Water Association is to allocate fixed costs of the system in base rate proportion to meter size and to allocate variable costs of the system in the flow rate which would be equal for all customers. This approach is different from the city's former cost allocation methodology and has resulted in a redistribution of costs. In the previous methodology certain costs (but not total fixed costs) were allocated in the base rate which was set in proportion to meter size and remaining costs of the system were allocated to the flow rate, which was different for residential and commercial customers.

It is staff's recommendation to stay with the methodology developed during this rate setting process. As you are aware, the rate committee discussed the proposed rate methodology of recovering a 100% of fixed cost in the base rate. Staff provided the rate committee with several alternatives such as: 85% of the fixed cost recovered by the base rate; and, 75% of the fixed cost recovered by the base rate. After several meetings and lengthy discussions on how the various rate methods affect the different user groups, the committee agreed that the proposed method of recovering 100% of the fixed cost in the base rate is the most fair and equitable method for our rate payers.

In the last year and a half there have been a number of City Council meetings and workshops to consider water rates. Staff worked closely with the rate committee of 11 members for more than six months. Staff believes the water rates presented to the City Council on September 21, 2010, recommended by staff and the majority of the rate committee is fair and equitable to the rate payers and reasonably addresses the ongoing operational cost and capital needs of the system in order to continue to provide safe, reliable potable water and adequate fire suppression.

Staff recommends Council adopts the attached Resolution establishing water rates within the City of Eureka for FY 2010 through FY 2014-15.

If Council is not ready to adopt the rates as presented, as an alternative, Council can direct staff to bring back additional options. Any changes to the rates that result in a higher rate for even one customer will require the City to initiate a third Proposition 218 process and noticing.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA
ESTABLISHING WATER RATES FOR THE CITY OF EUREKA**

BE IT RESOLVED by the City of Eureka, of follows:

WHEREAS, City Staff have analyzed the City's water treatment and delivery costs; and

WHEREAS, it is necessary for the City's Water System to raise sufficient revenues to operate and maintain the system in accordance with public health requirements and without subsidy from the General Fund; and

WHEREAS, the City Staff has identified a number of Water System improvements that are necessary to insure an uninterrupted water supply to the City's customers; and

WHEREAS, the Water Fund's contingency and capital reserves must be maintained at an adequate level; and

WHEREAS, to address these funding needs City Staff prepared a water system cost of service analysis. This analysis was prepared to determine if the system user rates would adequately recover system operating costs and provide sufficient funds to meet planned water system infrastructure improvements. The new rates would refine the City's practice of recovering system costs from users in proportion to the demands each places upon the Water Utility System; and

WHEREAS, the proposed rate increases will provide approximately \$7,371,589 of additional water system revenues by the end of fiscal year 2014-15. With these added revenues, future operating costs of the Water Fund will be adequately addressed and the Fund's operating and capital reserves maintained according to policy.

NOW THEREFORE, be it Resolved as follows:

Section 1. **Water Service Charges**

- (a) Service Charges. The monthly service charges for water service within the City shall be as follows:

Minimum Service Charge (effective on dates specified in Section 2)

WATER RATES					
Fiscal Year	FY 2010-11 Effective October 1	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
Cost per unit of water used. One unit of water is equal to 100 cubic feet or 748 gallons.					
Residential	\$ 1.42	\$ 1.56	\$ 1.71	\$ 1.88	\$ 2.06
Commercial	\$ 1.42	\$ 1.56	\$ 1.71	\$ 1.88	\$ 2.06
PLUS					
Base Rate According to Meter Size					
5/8" & 3/4"	\$ 26.90	\$ 29.11	\$ 32.85	\$ 33.78	\$ 35.10
1"	\$ 43.49	\$ 47.05	\$ 53.09	\$ 54.59	\$ 56.73
1.5"	\$ 71.17	\$ 77.00	\$ 86.88	\$ 89.31	\$ 92.80
2"	\$ 100.07	\$ 108.26	\$ 122.14	\$ 125.57	\$ 130.48
3"	\$ 218.15	\$ 236.00	\$ 266.25	\$ 273.73	\$ 284.43
4"	\$ 356.51	\$ 385.67	\$ 435.11	\$ 447.33	\$ 464.81
6"	\$ 711.62	\$ 769.83	\$ 868.51	\$ 892.90	\$ 927.78
8"	\$ 1,127.93	\$ 1,220.19	\$ 1,376.59	\$ 1,415.24	\$ 1,470.53

The Service Charge for multiple meter manifolds shall bear the same proportion to the Service Charge for single meter installations that the peak capacity such multiple manifold bears to the peak capacity of single meters.

- (b). Extraterritorial Service. The monthly service charge for water service to property outside the City shall be charged at one and one-half (1 ½) times the rates for water service to property within the City.

Section 2. Effective Date

This resolution shall become effective and the user charges specified in Section 1 shall be imposed for any charges billed on or after October 1, 2010 and July 1, 2011, 2012, 2013, 2014.

Passed, Approved, and Adopted by the City Council of the City of Eureka, County of Humboldt, State of California on the 21st day of September 2010, by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

VIRGINIA BASS
MAYOR OF THE CITY OF EUREKA

ATTEST:

PAMELA POWELL, CITY CLERK

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:

DAVID W. TYSON, CITY MANAGER

WILLIAM BRAGG, INTERIM CITY ATTORNEY

Assumptions Used in Rate Calculations

For Proposed Water Rate Increase

Proposed Rates

Rates recommended by Utility Task Force Committee and as presented to Council at 9/21/2010 Council meeting

Includes:

- \$ 4.5M in new capital improvement project financing
- \$500,000 annually for pay-as-you-go projects
- \$1M in reserve for the Mad River Pipeline
- 100% of fixed costs in Base Rate

Use \$1M from Reserves

Removes \$4.5M in new capital improvement project financing from the Water Fund. Leaves \$500,000 annually for pay-as-you-go projects.

Applies \$1M currently held in reserve for the Mad River Pipeline to operating expenses (one-time only application for year 1 of proposed rate increases)

Leave \$1M in Reserves

Removes \$4.5M in new capital improvement project financing from the Water Fund. Leaves \$500,000 annually for pay-as-you-go projects.

Leaves \$1M in reserve.

8" Meter - Light Strength Commercial Account

	Total					Total Water & Sewer
	Base Charge	Consumption	Total Water	Base Charge	Consumption	
7 Units of Consumption						
Current	518.75	19.88	538.63	21.10	0.00	559.73
Proposed Rates	1127.93	9.94	1137.87	7.84	16.85	1162.56
Use \$1M from Reserves	877.17	9.94	887.11	7.84	16.85	911.80
Leave \$1M in Reserves	1064.61	9.94	1074.55	7.84	16.85	1099.24
Proposed Rates	1220.19	10.92	1231.11	8.91	19.35	1259.37
Use \$1M from Reserves	1119.17	10.92	1130.09	8.91	19.35	1158.35
Leave \$1M in Reserves	1240.06	10.92	1250.98	8.91	19.35	1279.24
Proposed Rates	1376.59	11.97	1388.56	10.14	22.15	1420.85
Use \$1M from Reserves	1269.45	11.97	1281.42	10.14	22.15	1313.71
Leave \$1M in Reserves	1315.75	11.97	1327.72	10.14	22.15	1360.01
Proposed Rates	1415.24	13.16	1428.40	11.54	25.35	1465.29
Use \$1M from Reserves	1354.68	13.16	1367.84	11.54	25.35	1404.73
Leave \$1M in Reserves	1354.30	13.16	1367.46	11.54	25.35	1404.35
Proposed Rates	1470.53	14.42	1484.95	11.54	25.35	1521.84
Use \$1M from Reserves	1394.37	14.42	1408.79	11.54	25.35	1445.68
Leave \$1M in Reserves	1393.98	14.42	1408.40	11.54	25.35	1445.29

	Total					Total Water & Sewer
	Base Charge	Consumption	Total Water	Base Charge	Consumption	
20 Units of Consumption						
Current	518.75	56.80	575.55	21.10	0.00	596.65
Proposed Rates	1127.93	28.40	1156.33	7.84	60.66	1224.83
Use \$1M from Reserves	877.17	28.40	905.57	7.84	60.66	974.07
Leave \$1M in Reserves	1064.61	28.40	1093.01	7.84	60.66	1161.51
Proposed Rates	1220.19	31.20	1251.39	8.91	69.66	1329.96
Use \$1M from Reserves	1119.17	31.20	1150.37	8.91	69.66	1228.94
Leave \$1M in Reserves	1240.06	31.20	1271.26	8.91	69.66	1349.83
Proposed Rates	1376.59	34.20	1410.79	10.14	79.74	1500.67
Use \$1M from Reserves	1269.45	34.20	1303.65	10.14	79.74	1393.53
Leave \$1M in Reserves	1315.75	34.20	1349.95	10.14	79.74	1439.83
Proposed Rates	1415.24	37.60	1452.84	11.54	91.26	1555.64
Use \$1M from Reserves	1354.68	37.60	1392.28	11.54	91.26	1495.08
Leave \$1M in Reserves	1354.30	37.60	1391.90	11.54	91.26	1494.70
Proposed Rates	1470.53	41.20	1511.73	11.54	91.26	1614.53
Use \$1M from Reserves	1394.37	41.20	1435.57	11.54	91.26	1538.37
Leave \$1M in Reserves	1393.98	41.20	1435.18	11.54	91.26	1537.98

8" Meter - Light Strength Commercial Account

				Total		
	Base Charge	Consumption	Total Water	Base Charge	Consumption	Total Sewer
2 Units of Consumption						
Current	518.75	5.68	524.43	21.10	0.00	21.10
						545.53
Proposed Rates	1127.93	2.84	1130.77	7.84	0.00	7.84
Use \$1M from Reserves	877.17	2.84	880.01	7.84	0.00	7.84
Leave \$1M in Reserves	1064.61	2.84	1067.45	7.84	0.00	7.84
						1075.29
Proposed Rates	1220.19	3.12	1223.31	8.91	0.00	8.91
Use \$1M from Reserves	1119.17	3.12	1122.29	8.91	0.00	8.91
Leave \$1M in Reserves	1240.06	3.12	1243.18	8.91	0.00	8.91
						1252.09
Proposed Rates	1376.59	3.42	1380.01	10.14	0.00	10.14
Use \$1M from Reserves	1269.45	3.42	1272.87	10.14	0.00	10.14
Leave \$1M in Reserves	1315.75	3.42	1319.17	10.14	0.00	10.14
						1329.31
Proposed Rates	1415.24	3.76	1419.00	11.54	0.00	11.54
Use \$1M from Reserves	1354.68	3.76	1358.44	11.54	0.00	11.54
Leave \$1M in Reserves	1354.30	3.76	1358.06	11.54	0.00	11.54
						1369.60
Proposed Rates	1470.53	4.12	1474.65	11.54	0.00	11.54
Use \$1M from Reserves	1394.37	4.12	1398.49	11.54	0.00	11.54
Leave \$1M in Reserves	1393.98	4.12	1398.10	11.54	0.00	11.54
						1409.64
4 Units of Consumption						
Current	518.75	11.36	530.11	21.10	0.00	21.10
						551.21
Proposed Rates	1127.93	5.68	1133.61	7.84	6.74	14.58
Use \$1M from Reserves	877.17	5.68	882.85	7.84	6.74	14.58
Leave \$1M in Reserves	1064.61	5.68	1070.29	7.84	6.74	14.58
						1084.87
Proposed Rates	1220.19	6.24	1226.43	8.91	7.74	16.65
Use \$1M from Reserves	1119.17	6.24	1125.41	8.91	7.74	16.65
Leave \$1M in Reserves	1240.06	6.24	1246.30	8.91	7.74	16.65
						1262.95
Proposed Rates	1376.59	6.84	1383.43	10.14	8.86	19.00
Use \$1M from Reserves	1269.45	6.84	1276.29	10.14	8.86	19.00
Leave \$1M in Reserves	1315.75	6.84	1322.59	10.14	8.86	19.00
						1341.59
Proposed Rates	1415.24	7.52	1422.76	11.54	10.14	21.68
Use \$1M from Reserves	1354.68	7.52	1362.20	11.54	10.14	21.68
Leave \$1M in Reserves	1354.30	7.52	1361.82	11.54	10.14	21.68
						1383.50
Proposed Rates	1470.53	8.24	1478.77	11.54	10.14	21.68
Use \$1M from Reserves	1394.37	8.24	1402.61	11.54	10.14	21.68
Leave \$1M in Reserves	1393.98	8.24	1402.22	11.54	10.14	21.68
						1423.90

6" Meter - Light Strength Commercial Account

	Total					Total Water & Sewer
	Base Charge	Consumption	Total Water	Base Charge	Consumption	
7 Units of Consumption						
Current	327.28	19.88	347.16	21.10	0.00	368.26
Proposed Rates	711.62	9.94	721.56	7.84	16.85	746.25
Use \$1M from Reserves	553.41	9.94	563.35	7.84	16.85	588.04
Leave \$1M in Reserves	671.66	9.94	681.60	7.84	16.85	706.29
Proposed Rates	769.83	10.92	780.75	8.91	19.35	809.01
Use \$1M from Reserves	706.09	10.92	717.01	8.91	19.35	745.27
Leave \$1M in Reserves	782.35	10.92	793.27	8.91	19.35	821.53
Proposed Rates	868.51	11.97	880.48	10.14	22.15	912.77
Use \$1M from Reserves	800.91	11.97	812.88	10.14	22.15	845.17
Leave \$1M in Reserves	830.11	11.97	842.08	10.14	22.15	874.37
Proposed Rates	892.90	13.16	906.06	11.54	25.35	942.95
Use \$1M from Reserves	854.69	13.16	867.85	11.54	25.35	904.74
Leave \$1M in Reserves	854.43	13.16	867.59	11.54	25.35	904.48
Proposed Rates	927.78	14.42	942.20	11.54	25.35	979.09
Use \$1M from Reserves	879.73	14.42	894.15	11.54	25.35	931.04
Leave \$1M in Reserves	879.47	14.42	893.89	11.54	25.35	930.78

	Total					Total Water & Sewer
	Base Charge	Consumption	Total Water	Base Charge	Consumption	
20 Units of Consumption						
Current	327.28	56.80	384.08	21.10	0.00	405.18
Proposed Rates	711.62	28.40	740.02	7.84	60.66	808.52
Use \$1M from Reserves	553.41	28.40	581.81	7.84	60.66	650.31
Leave \$1M in Reserves	671.66	28.40	700.06	7.84	60.66	768.56
Proposed Rates	769.83	31.20	801.03	8.91	69.66	879.60
Use \$1M from Reserves	706.09	31.20	737.29	8.91	69.66	815.86
Leave \$1M in Reserves	782.35	31.20	813.55	8.91	69.66	892.12
Proposed Rates	868.51	34.20	902.71	10.14	79.74	992.59
Use \$1M from Reserves	800.91	34.20	835.11	10.14	79.74	924.99
Leave \$1M in Reserves	830.11	34.20	864.31	10.14	79.74	954.19
Proposed Rates	892.90	37.60	930.50	11.54	91.26	1033.30
Use \$1M from Reserves	854.69	37.60	892.29	11.54	91.26	995.09
Leave \$1M in Reserves	854.43	37.60	892.03	11.54	91.26	994.83
Proposed Rates	927.78	41.20	968.98	11.54	91.26	1071.78
Use \$1M from Reserves	879.73	41.20	920.93	11.54	91.26	1023.73
Leave \$1M in Reserves	879.47	41.20	920.67	11.54	91.26	1023.47

6" Meter - Light Strength Commercial Account

							Total	
			Base Charge	Consumption	Total Water	Base Charge	Consumption	Total Sewer & Sewer
2 Units of Consumption								
Current			327.28	5.68	332.96	21.10	0.00	21.10 354.06
Proposed Rates			711.62	2.84	714.46	7.84	0.00	7.84 722.30
Use \$1M from Reserves			553.41	2.84	556.25	7.84	0.00	7.84 564.09
Leave \$1M in Reserves			671.66	2.84	674.50	7.84	0.00	7.84 682.34
Proposed Rates			769.83	3.12	772.95	8.91	0.00	8.91 781.86
Use \$1M from Reserves			706.09	3.12	709.21	8.91	0.00	8.91 718.12
Leave \$1M in Reserves			782.35	3.12	785.47	8.91	0.00	8.91 794.38
Proposed Rates			868.51	3.42	871.93	10.14	0.00	10.14 882.07
Use \$1M from Reserves			800.91	3.42	804.33	10.14	0.00	10.14 814.47
Leave \$1M in Reserves			830.11	3.42	833.53	10.14	0.00	10.14 843.67
Proposed Rates			892.90	3.76	896.66	11.54	0.00	11.54 908.20
Use \$1M from Reserves			854.69	3.76	858.45	11.54	0.00	11.54 869.99
Leave \$1M in Reserves			854.43	3.76	858.19	11.54	0.00	11.54 869.73
Proposed Rates			927.78	4.12	931.90	11.54	0.00	11.54 943.44
Use \$1M from Reserves			879.73	4.12	883.85	11.54	0.00	11.54 895.39
Leave \$1M in Reserves			879.47	4.12	883.59	11.54	0.00	11.54 895.13
4 Units of Consumption								
Current			327.28	11.36	338.64	21.10	0.00	21.10 359.74
Proposed Rates			711.62	5.68	717.30	7.84	6.74	14.58 731.88
Use \$1M from Reserve			553.41	5.68	559.09	7.84	6.74	14.58 573.67
Leave \$1M in Reserve			671.66	5.68	677.34	7.84	6.74	14.58 691.92
Proposed Rates			769.83	6.24	776.07	8.91	7.74	16.65 792.72
Use \$1M from Reserv			706.09	6.24	712.33	8.91	7.74	16.65 728.98
Leave \$1M in Reserve			782.35	6.24	788.59	8.91	7.74	16.65 805.24
Proposed Rates			868.51	6.84	875.35	10.14	8.86	19.00 894.35
Use \$1M from Reserv			800.91	6.84	807.75	10.14	8.86	19.00 826.75
Leave \$1M in Reserve			830.11	6.84	836.95	10.14	8.86	19.00 855.95
Proposed Rates			892.90	7.52	900.42	11.54	10.14	21.68 922.10
Use \$1M from Reserv			854.69	7.52	862.21	11.54	10.14	21.68 883.89
Leave \$1M in Reserve			854.43	7.52	861.95	11.54	10.14	21.68 883.63
Proposed Rates			927.78	8.24	936.02	11.54	10.14	21.68 957.70
Use \$1M from Reserv			879.73	8.24	887.97	11.54	10.14	21.68 909.65
Leave \$1M in Reserve			879.47	8.24	887.71	11.54	10.14	21.68 909.39

4" Meter - Light Strength Commercial Account

	Total					Total Water & Sewer
	Base Charge	Consumption	Total Water	Base Charge	Consumption	
7 Units of Consumption						
Current	163.96	19.88	183.84	21.10	0.00	204.94
Proposed Rates	356.51	9.94	366.45	7.84	16.85	391.14
Use \$1M from Reserves	277.25	9.94	287.19	7.84	16.85	311.88
Leave \$1M in Reserves	336.49	9.94	346.43	7.84	16.85	371.12
Proposed Rates	385.67	10.92	396.59	8.91	19.35	424.85
Use \$1M from Reserves	353.74	10.92	364.66	8.91	19.35	392.92
Leave \$1M in Reserves	391.95	10.92	402.87	8.91	19.35	431.13
Proposed Rates	435.11	11.97	447.08	10.14	22.15	479.37
Use \$1M from Reserves	401.24	11.97	413.21	10.14	22.15	445.50
Leave \$1M in Reserves	415.88	11.97	427.85	10.14	22.15	460.14
Proposed Rates	447.33	13.16	460.49	11.54	25.35	497.38
Use \$1M from Reserves	428.18	13.16	441.34	11.54	25.35	478.23
Leave \$1M in Reserves	428.07	13.16	441.23	11.54	25.35	478.12
Proposed Rates	464.81	14.42	479.23	11.54	25.35	516.12
Use \$1M from Reserves	440.73	14.42	455.15	11.54	25.35	492.04
Leave \$1M in Reserves	440.62	14.42	455.04	11.54	25.35	491.93

	Total					Total Water & Sewer
	Base Charge	Consumption	Total Water	Base Charge	Consumption	
20 Units of Consumption						
Current	163.96	56.80	220.76	21.10	0.00	241.86
Proposed Rates	356.51	28.40	384.91	7.84	60.66	453.41
Use \$1M from Reserves	277.25	28.40	305.65	7.84	60.66	374.15
Leave \$1M in Reserves	336.49	28.40	364.89	7.84	60.66	433.39
Proposed Rates	385.67	31.20	416.87	8.91	69.66	495.44
Use \$1M from Reserves	353.74	31.20	384.94	8.91	69.66	463.51
Leave \$1M in Reserves	391.95	31.20	423.15	8.91	69.66	501.72
Proposed Rates	435.11	34.20	469.31	10.14	79.74	559.19
Use \$1M from Reserves	401.24	34.20	435.44	10.14	79.74	525.32
Leave \$1M in Reserves	415.88	34.20	450.08	10.14	79.74	539.96
Proposed Rates	447.33	37.60	484.93	11.54	91.26	587.73
Use \$1M from Reserves	428.18	37.60	465.78	11.54	91.26	568.58
Leave \$1M in Reserves	428.07	37.60	465.67	11.54	91.26	568.47
Proposed Rates	464.81	41.20	506.01	11.54	91.26	608.81
Use \$1M from Reserves	440.73	41.20	481.93	11.54	91.26	584.73
Leave \$1M in Reserves	440.62	41.20	481.82	11.54	91.26	584.62

4" Meter - Light Strength Commercial Account

						Total			
			Base	Consumption	Total	Base	Consumption	Total	Water & Sewer
			Charge		Water	Charge		Sewer	
2 Units of Consumption									
Current			163.96	5.68	169.64	21.10	0.00	21.10	190.74
Proposed Rates			356.51	2.84	359.35	7.84	0.00	7.84	367.19
Use \$1M from Reserves			277.25	2.84	280.09	7.84	0.00	7.84	287.93
Leave \$1M in Reserves			336.49	2.84	339.33	7.84	0.00	7.84	347.17
Proposed Rates			385.67	3.12	388.79	8.91	0.00	8.91	397.70
Use \$1M from Reserves			353.74	3.12	356.86	8.91	0.00	8.91	365.77
Leave \$1M in Reserves			391.95	3.12	395.07	8.91	0.00	8.91	403.98
Proposed Rates			435.11	3.42	438.53	10.14	0.00	10.14	448.67
Use \$1M from Reserves			401.24	3.42	404.66	10.14	0.00	10.14	414.80
Leave \$1M in Reserves			415.88	3.42	419.30	10.14	0.00	10.14	429.44
Proposed Rates			447.33	3.76	451.09	11.54	0.00	11.54	462.63
Use \$1M from Reserves			428.18	3.76	431.94	11.54	0.00	11.54	443.48
Leave \$1M in Reserves			428.07	3.76	431.83	11.54	0.00	11.54	443.37
Proposed Rates			464.81	4.12	468.93	11.54	0.00	11.54	480.47
Use \$1M from Reserves			440.73	4.12	444.85	11.54	0.00	11.54	456.39
Leave \$1M in Reserves			440.62	4.12	444.74	11.54	0.00	11.54	456.28
4 Units of Consumption									
Current			163.96	11.36	175.32	21.10	0.00	21.10	196.42
Proposed Rates			356.51	5.68	362.19	7.84	6.74	14.58	376.77
Use \$1M from Reserve			277.25	5.68	282.93	7.84	6.74	14.58	297.51
Leave \$1M in Reserves			336.49	5.68	342.17	7.84	6.74	14.58	356.75
Proposed Rates			385.67	6.24	391.91	8.91	7.74	16.65	408.56
Use \$1M from Reserve			353.74	6.24	359.98	8.91	7.74	16.65	376.63
Leave \$1M in Reserves			391.95	6.24	398.19	8.91	7.74	16.65	414.84
Proposed Rates			435.11	6.84	441.95	10.14	8.86	19.00	460.95
Use \$1M from Reserve			401.24	6.84	408.08	10.14	8.86	19.00	427.08
Leave \$1M in Reserves			415.88	6.84	422.72	10.14	8.86	19.00	441.72
Proposed Rates			447.33	7.52	454.85	11.54	10.14	21.68	476.53
Use \$1M from Reserve			428.18	7.52	435.70	11.54	10.14	21.68	457.38
Leave \$1M in Reserves			428.07	7.52	435.59	11.54	10.14	21.68	457.27
Proposed Rates			464.81	8.24	473.05	11.54	10.14	21.68	494.73
Use \$1M from Reserve			440.73	8.24	448.97	11.54	10.14	21.68	470.65
Leave \$1M in Reserves			440.62	8.24	448.86	11.54	10.14	21.68	470.54

3" Meter - Light Strength Commercial Account

	Total					Total Water & Sewer
	Base Charge	Consumption	Total Water	Base Charge	Consumption	
7 Units of Consumption						
Current	100.33	19.88	120.21	21.10	0.00	141.31
Proposed Rates	218.15	9.94	228.09	7.84	16.85	252.78
Use \$1M from Reserves	169.65	9.94	179.59	7.84	16.85	204.28
Leave \$1M in Reserves	205.91	9.94	215.85	7.84	16.85	240.54
Proposed Rates	236.00	10.92	246.92	8.91	19.35	275.18
Use \$1M from Reserves	216.46	10.92	227.38	8.91	19.35	255.64
Leave \$1M in Reserves	239.85	10.92	250.77	8.91	19.35	279.03
Proposed Rates	266.25	11.97	278.22	10.14	22.15	310.51
Use \$1M from Reserves	245.53	11.97	257.50	10.14	22.15	289.79
Leave \$1M in Reserves	254.49	11.97	266.46	10.14	22.15	298.75
Proposed Rates	273.73	13.16	286.89	11.54	25.35	323.78
Use \$1M from Reserves	262.02	13.16	275.18	11.54	25.35	312.07
Leave \$1M in Reserves	261.95	13.16	275.11	11.54	25.35	312.00
Proposed Rates	284.43	14.42	298.85	11.54	25.35	335.74
Use \$1M from Reserves	269.70	14.42	284.12	11.54	25.35	321.01
Leave \$1M in Reserves	269.63	14.42	284.05	11.54	25.35	320.94

	Total					Total Water & Sewer
	Base Charge	Consumption	Total Water	Base Charge	Consumption	
20 Units of Consumption						
Current	100.33	56.80	157.13	21.10	0.00	178.23
Proposed Rates	218.15	28.40	246.55	7.84	60.66	315.05
Use \$1M from Reserves	169.65	28.40	198.05	7.84	60.66	266.55
Leave \$1M in Reserves	205.91	28.40	234.31	7.84	60.66	302.81
Proposed Rates	236.00	31.20	267.20	8.91	69.66	345.77
Use \$1M from Reserves	216.46	31.20	247.66	8.91	69.66	326.23
Leave \$1M in Reserves	239.85	31.20	271.05	8.91	69.66	349.62
Proposed Rates	266.25	34.20	300.45	10.14	79.74	390.33
Use \$1M from Reserves	245.53	34.20	279.73	10.14	79.74	369.61
Leave \$1M in Reserves	254.49	34.20	288.69	10.14	79.74	378.57
Proposed Rates	273.73	37.60	311.33	11.54	91.26	414.13
Use \$1M from Reserves	262.02	37.60	299.62	11.54	91.26	402.42
Leave \$1M in Reserves	261.95	37.60	299.55	11.54	91.26	402.35
Proposed Rates	284.43	41.20	325.63	11.54	91.26	428.43
Use \$1M from Reserves	269.70	41.20	310.90	11.54	91.26	413.70
Leave \$1M in Reserves	269.63	41.20	310.83	11.54	91.26	413.63

3" Meter - Light Strength Commercial Account

							Total
			Base	Consumption	Total	Base	Water &
			Charge		Water	Charge	Sewer
2 Units of Consumption							
Current			100.33	5.68	106.01	21.10	127.11
Proposed Rates			218.15	2.84	220.99	7.84	228.83
Use \$1M from Reserves			169.65	2.84	172.49	7.84	180.33
Leave \$1M in Reserves			205.91	2.84	208.75	7.84	216.59
Proposed Rates			236.00	3.12	239.12	8.91	248.03
Use \$1M from Reserves			216.46	3.12	219.58	8.91	228.49
Leave \$1M in Reserves			239.85	3.12	242.97	8.91	251.88
Proposed Rates			266.25	3.42	269.67	10.14	279.81
Use \$1M from Reserves			245.53	3.42	248.95	10.14	259.09
Leave \$1M in Reserves			254.49	3.42	257.91	10.14	268.05
Proposed Rates			273.73	3.76	277.49	11.54	289.03
Use \$1M from Reserves			262.02	3.76	265.78	11.54	277.32
Leave \$1M in Reserves			261.95	3.76	265.71	11.54	277.25
Proposed Rates			284.43	4.12	288.55	11.54	300.09
Use \$1M from Reserves			269.70	4.12	273.82	11.54	285.36
Leave \$1M in Reserves			269.63	4.12	273.75	11.54	285.29

							Total
			Base	Consumption	Total	Base	Water &
			Charge		Water	Charge	Sewer
4 Units of Consumption							
Current			100.33	11.36	111.69	21.10	132.79
Proposed Rates			218.15	5.68	223.83	7.84	238.41
Use \$1M from Reserves			169.65	5.68	175.33	7.84	189.91
Leave \$1M in Reserves			205.91	5.68	211.59	7.84	226.17
Proposed Rates			236.00	6.24	242.24	8.91	258.89
Use \$1M from Reserves			216.46	6.24	222.70	8.91	239.35
Leave \$1M in Reserves			239.85	6.24	246.09	8.91	262.74
Proposed Rates			266.25	6.84	273.09	10.14	292.09
Use \$1M from Reserves			245.53	6.84	252.37	10.14	271.37
Leave \$1M in Reserves			254.49	6.84	261.33	10.14	280.33
Proposed Rates			273.73	7.52	281.25	11.54	302.93
Use \$1M from Reserves			262.02	7.52	269.54	11.54	291.22
Leave \$1M in Reserves			261.95	7.52	269.47	11.54	291.15
Proposed Rates			284.43	8.24	292.67	11.54	314.35
Use \$1M from Reserves			269.70	8.24	277.94	11.54	299.62
Leave \$1M in Reserves			269.63	8.24	277.87	11.54	299.55

2" Meter - Light Strength Commercial Account

	Total					Total Water & Sewer
	Base Charge	Consumption	Total Water	Base Charge	Consumption	
7 Units of Consumption						
Current	46.02	19.88	65.90	21.10	0.00	87.00
Proposed Rates	100.07	9.94	110.01	7.84	16.85	134.70
Use \$1M from Reserves	77.82	9.94	87.76	7.84	16.85	112.45
Leave \$1M in Reserves	94.45	9.94	104.39	7.84	16.85	129.08
Proposed Rates	108.26	10.92	119.18	8.91	19.35	147.44
Use \$1M from Reserves	99.29	10.92	110.21	8.91	19.35	138.47
Leave \$1M in Reserves	110.02	10.92	120.94	8.91	19.35	149.20
Proposed Rates	122.14	11.97	134.11	10.14	22.15	166.40
Use \$1M from Reserves	112.63	11.97	124.60	10.14	22.15	156.89
Leave \$1M in Reserves	116.74	11.97	128.71	10.14	22.15	161.00
Proposed Rates	125.57	13.16	138.73	11.54	25.35	175.62
Use \$1M from Reserves	120.20	13.16	133.36	11.54	25.35	170.25
Leave \$1M in Reserves	120.17	13.16	133.33	11.54	25.35	170.22
Proposed Rates	130.48	14.42	144.90	11.54	25.35	181.79
Use \$1M from Reserves	123.73	14.42	138.15	11.54	25.35	175.04
Leave \$1M in Reserves	123.70	14.42	138.12	11.54	25.35	175.01

	Total					Total Water & Sewer
	Base Charge	Consumption	Total Water	Base Charge	Consumption	
20 Units of Consumption						
Current	46.02	56.80	102.82	21.10	0.00	123.92
Proposed Rates	100.07	28.40	128.47	7.84	60.66	196.97
Use \$1M from Reserves	77.82	28.40	106.22	7.84	60.66	174.72
Leave \$1M in Reserves	94.45	28.40	122.85	7.84	60.66	191.35
Proposed Rates	108.26	31.20	139.46	8.91	69.66	218.03
Use \$1M from Reserves	99.29	31.20	130.49	8.91	69.66	209.06
Leave \$1M in Reserves	110.02	31.20	141.22	8.91	69.66	219.79
Proposed Rates	122.14	34.20	156.34	10.14	79.74	246.22
Use \$1M from Reserves	112.63	34.20	146.83	10.14	79.74	236.71
Leave \$1M in Reserves	116.74	34.20	150.94	10.14	79.74	240.82
Proposed Rates	125.57	37.60	163.17	11.54	91.26	265.97
Use \$1M from Reserves	120.20	37.60	157.80	11.54	91.26	260.60
Leave \$1M in Reserves	120.17	37.60	157.77	11.54	91.26	260.57
Proposed Rates	130.48	41.20	171.68	11.54	91.26	274.48
Use \$1M from Reserves	123.73	41.20	164.93	11.54	91.26	267.73
Leave \$1M in Reserves	123.70	41.20	164.90	11.54	91.26	267.70

2" Meter - Light Strength Commercial Account

						Total
			Base	Consumption	Total	Water & Sewer
			Charge		Charge	
2 Units of Consumption						
Current		46.02	5.68	51.70	21.10	72.80
Proposed Rates		100.07	2.84	102.91	7.84	110.75
Use \$1M from Reserves		77.82	2.84	80.66	7.84	88.50
Leave \$1M in Reserves		94.45	2.84	97.29	7.84	105.13
Proposed Rates		108.26	3.12	111.38	8.91	120.29
Use \$1M from Reserves		99.29	3.12	102.41	8.91	111.32
Leave \$1M in Reserves		110.02	3.12	113.14	8.91	122.05
Proposed Rates		122.14	3.42	125.56	10.14	135.70
Use \$1M from Reserves		112.63	3.42	116.05	10.14	126.19
Leave \$1M in Reserves		116.74	3.42	120.16	10.14	130.30
Proposed Rates		125.57	3.76	129.33	11.54	140.87
Use \$1M from Reserves		120.20	3.76	123.96	11.54	135.50
Leave \$1M in Reserves		120.17	3.76	123.93	11.54	135.47
Proposed Rates		130.48	4.12	134.60	11.54	146.14
Use \$1M from Reserves		123.73	4.12	127.85	11.54	139.39
Leave \$1M in Reserves		123.70	4.12	127.82	11.54	139.36

						Total
			Base	Consumption	Total	Water & Sewer
			Charge		Charge	
4 Units of Consumption						
Current		46.02	11.36	57.38	21.10	78.48
Proposed Rates		100.07	5.68	105.75	7.84	120.33
Use \$1M from Reserves		77.82	5.68	83.50	7.84	98.08
Leave \$1M in Reserves		94.45	5.68	100.13	7.84	114.71
Proposed Rates		108.26	6.24	114.50	8.91	131.15
Use \$1M from Reserves		99.29	6.24	105.53	8.91	122.18
Leave \$1M in Reserves		110.02	6.24	116.26	8.91	132.91
Proposed Rates		122.14	6.84	128.98	10.14	147.98
Use \$1M from Reserves		112.63	6.84	119.47	10.14	138.47
Leave \$1M in Reserves		116.74	6.84	123.58	10.14	142.58
Proposed Rates		125.57	7.52	133.09	11.54	154.77
Use \$1M from Reserves		120.20	7.52	127.72	11.54	149.40
Leave \$1M in Reserves		120.17	7.52	127.69	11.54	149.37
Proposed Rates		130.48	8.24	138.72	11.54	160.40
Use \$1M from Reserves		123.73	8.24	131.97	11.54	153.65
Leave \$1M in Reserves		123.70	8.24	131.94	11.54	153.62

1-1/2" Meter - Light Strength Commercial Account

	Total					Total Water & Sewer
	Base Charge	Consumption	Total Water	Base Charge	Consumption	
7 Units of Consumption						
Current	32.73	19.88	52.61	21.10	0.00	73.71
Proposed Rates	71.17	9.94	81.11	7.84	16.85	105.80
Use \$1M from Reserves	55.35	9.94	65.29	7.84	16.85	89.98
Leave \$1M in Reserves	67.18	9.94	77.12	7.84	16.85	101.81
Proposed Rates	77.00	10.92	87.92	8.91	19.35	116.18
Use \$1M from Reserves	70.62	10.92	81.54	8.91	19.35	109.80
Leave \$1M in Reserves	78.26	10.92	89.18	8.91	19.35	117.44
Proposed Rates	86.88	11.97	98.85	10.14	22.15	131.14
Use \$1M from Reserves	80.11	11.97	92.08	10.14	22.15	124.37
Leave \$1M in Reserves	83.04	11.97	95.01	10.14	22.15	127.30
Proposed Rates	89.31	13.16	102.47	11.54	25.35	139.36
Use \$1M from Reserves	85.49	13.16	98.65	11.54	25.35	135.54
Leave \$1M in Reserves	85.48	13.16	98.64	11.54	25.35	135.53
Proposed Rates	92.80	14.42	107.22	11.54	25.35	144.11
Use \$1M from Reserves	88.00	14.42	102.42	11.54	25.35	139.31
Leave \$1M in Reserves	87.99	14.42	102.41	11.54	25.35	139.30

	Total					Total Water & Sewer
	Base Charge	Consumption	Total Water	Base Charge	Consumption	
20 Units of Consumption						
Current	32.73	56.80	89.53	21.10	0.00	110.63
Proposed Rates	71.17	28.40	99.57	7.84	60.66	168.07
Use \$1M from Reserves	55.35	28.40	83.75	7.84	60.66	152.25
Leave \$1M in Reserves	67.18	28.40	95.58	7.84	60.66	164.08
Proposed Rates	77.00	31.20	108.20	8.91	69.66	186.77
Use \$1M from Reserves	70.62	31.20	101.82	8.91	69.66	180.39
Leave \$1M in Reserves	78.26	31.20	109.46	8.91	69.66	188.03
Proposed Rates	86.88	34.20	121.08	10.14	79.74	210.96
Use \$1M from Reserves	80.11	34.20	114.31	10.14	79.74	204.19
Leave \$1M in Reserves	83.04	34.20	117.24	10.14	79.74	207.12
Proposed Rates	89.31	37.60	126.91	11.54	91.26	229.71
Use \$1M from Reserves	85.49	37.60	123.09	11.54	91.26	225.89
Leave \$1M in Reserves	85.48	37.60	123.08	11.54	91.26	225.88
Proposed Rates	92.80	41.20	134.00	11.54	91.26	236.80
Use \$1M from Reserves	88.00	41.20	129.20	11.54	91.26	232.00
Leave \$1M in Reserves	87.99	41.20	129.19	11.54	91.26	231.99

1-1/2" Meter - Light Strength Commercial Account

									Total
			Base Charge	Consumption	Total Water	Base Charge	Consumption	Total Sewer	Water & Sewer
2 Units of Consumption									
Current			32.73	5.68	38.41	21.10	0.00	21.10	59.51
Proposed Rates			71.17	2.84	74.01	7.84	0.00	7.84	81.85
Use \$1M from Reserves			55.35	2.84	58.19	7.84	0.00	7.84	66.03
Leave \$1M in Reserves			67.18	2.84	70.02	7.84	0.00	7.84	77.86
Proposed Rates			77.00	3.12	80.12	8.91	0.00	8.91	89.03
Use \$1M from Reserves			70.62	3.12	73.74	8.91	0.00	8.91	82.65
Leave \$1M in Reserves			78.26	3.12	81.38	8.91	0.00	8.91	90.29
Proposed Rates			86.88	3.42	90.30	10.14	0.00	10.14	100.44
Use \$1M from Reserves			80.11	3.42	83.53	10.14	0.00	10.14	93.67
Leave \$1M in Reserves			83.04	3.42	86.46	10.14	0.00	10.14	96.60
Proposed Rates			89.31	3.76	93.07	11.54	0.00	11.54	104.61
Use \$1M from Reserves			85.49	3.76	89.25	11.54	0.00	11.54	100.79
Leave \$1M in Reserves			85.48	3.76	89.24	11.54	0.00	11.54	100.78
Proposed Rates			92.80	4.12	96.92	11.54	0.00	11.54	108.46
Use \$1M from Reserves			88.00	4.12	92.12	11.54	0.00	11.54	103.66
Leave \$1M in Reserves			87.99	4.12	92.11	11.54	0.00	11.54	103.65

										Total
				Base	Consumption	Total	Base	Consumption	Total	Water & Sewer
				Charge		Water	Charge		Sewer	Sewer
4 Units of Consumption										
Current				32.73	11.36	44.09	21.10	0.00	21.10	65.19
Proposed Rates				71.17	5.68	76.85	7.84	6.74	14.58	91.43
Use \$1M from Reserves				55.35	5.68	61.03	7.84	6.74	14.58	75.61
Leave \$1M in Reserves				67.18	5.68	72.86	7.84	6.74	14.58	87.44
Proposed Rates				77.00	6.24	83.24	8.91	7.74	16.65	99.89
Use \$1M from Reserves				70.62	6.24	76.86	8.91	7.74	16.65	93.51
Leave \$1M in Reserves				78.26	6.24	84.50	8.91	7.74	16.65	101.15
Proposed Rates				86.88	6.84	93.72	10.14	8.86	19.00	112.72
Use \$1M from Reserves				80.11	6.84	86.95	10.14	8.86	19.00	105.95
Leave \$1M in Reserves				83.04	6.84	89.88	10.14	8.86	19.00	108.88
Proposed Rates				89.31	7.52	96.83	11.54	10.14	21.68	118.51
Use \$1M from Reserves				85.49	7.52	93.01	11.54	10.14	21.68	114.69
Leave \$1M in Reserves				85.48	7.52	93.00	11.54	10.14	21.68	114.68
Proposed Rates				92.80	8.24	101.04	11.54	10.14	21.68	122.72
Use \$1M from Reserves				88.00	8.24	96.24	11.54	10.14	21.68	117.92
Leave \$1M in Reserves				87.99	8.24	96.23	11.54	10.14	21.68	117.91

1" Meter - Residential Account

Winter Bills - Nov-Mar

Summer Bills - Apr-Oct

	Winter Bills - Nov-Mar					Total	
	Base Charge	Consumption	Total Water	Base Charge	Consumption	Total Sewer	Total Water & Sewer
20 Units of Consumption							
Current	20.00	56.80	76.80	21.10	0.00	21.10	97.90
Current w/Sr Disc	20.00	56.80	76.80	13.60	0.00	13.60	90.40
Proposed Rates	43.49	28.40	71.89	7.84	60.66	68.50	140.39
Use \$1M from Reserves	33.82	28.40	62.22	7.84	60.66	68.50	130.72
Leave \$1M in Reserves	41.05	28.40	69.45	7.84	60.66	68.50	137.95
Proposed Rates	47.05	31.20	78.25	8.91	69.66	78.57	156.82
Use \$1M from Reserves	43.16	31.20	74.36	8.91	69.66	78.57	152.93
Leave \$1M in Reserves	47.82	31.20	79.02	8.91	69.66	78.57	157.59
Proposed Rates	53.09	34.20	87.29	10.14	79.74	89.88	177.17
Use \$1M from Reserves	48.96	34.20	83.16	10.14	79.74	89.88	173.04
Leave \$1M in Reserves	50.74	34.20	84.94	10.14	79.74	89.88	174.82
Proposed Rates	54.59	37.60	92.19	11.54	91.26	102.80	194.99
Use \$1M from Reserves	52.25	37.60	89.85	11.54	91.26	102.80	192.65
Leave \$1M in Reserves	52.23	37.60	89.83	11.54	91.26	102.80	192.63
Proposed Rates	56.73	41.20	97.93	11.54	91.26	102.80	200.73
Use \$1M from Reserves	53.79	41.20	94.99	11.54	91.26	102.80	197.79
Leave \$1M in Reserves	53.77	41.20	94.97	11.54	91.26	102.80	197.77

	Summer Bills - Apr-Oct					Total	
	Base Charge	Consumption	Total Water	Base Charge	Consumption	Total Sewer	Total Water & Sewer
	20.00	56.80	76.80	21.10	0.00	21.10	97.90
	20.00	56.80	76.80	13.60	0.00	13.60	90.40
	43.49	28.40	71.89	7.84	10.11	17.95	89.84
	33.82	28.40	62.22	7.84	10.11	17.95	80.17
	41.05	28.40	69.45	7.84	10.11	17.95	87.40
	47.05	31.20	78.25	8.91	11.61	20.52	98.77
	43.16	31.20	74.36	8.91	11.61	20.52	94.88
	47.82	31.20	79.02	8.91	11.61	20.52	99.54
	53.09	34.20	87.29	10.14	13.29	23.43	110.72
	48.96	34.20	83.16	10.14	13.29	23.43	106.59
	50.74	34.20	84.94	10.14	13.29	23.43	108.37
	54.59	37.60	92.19	11.54	15.21	26.75	118.94
	52.25	37.60	89.85	11.54	15.21	26.75	116.60
	52.23	37.60	89.83	11.54	15.21	26.75	116.58
	56.73	41.20	97.93	11.54	15.21	26.75	124.68
	53.79	41.20	94.99	11.54	15.21	26.75	121.74
	53.77	41.20	94.97	11.54	15.21	26.75	121.72

1" Meter - Residential Account

Winter Bills - Nov-Mar

	Total					Total Water & Sewer	
	Base Charge	Consumption	Total Water	Base Charge	Consumption		Total Sewer
7 Units of Consumption							
Current	20.00	19.88	39.88	21.10	0.00	21.10	60.98
Current w/Sr Disc	20.00	19.88	39.88	13.60	0.00	13.60	53.48
Proposed Rates	43.49	9.94	53.43	7.84	16.85	24.69	78.12
Use \$1M from Reserves	33.82	9.94	43.76	7.84	16.85	24.69	68.45
Leave \$1M in Reserves	41.05	9.94	50.99	7.84	16.85	24.69	75.68
Proposed Rates	47.05	10.92	57.97	8.91	19.35	28.26	86.23
Use \$1M from Reserves	43.16	10.92	54.08	8.91	19.35	28.26	82.34
Leave \$1M in Reserves	47.82	10.92	58.74	8.91	19.35	28.26	87.00
Proposed Rates	53.09	11.97	65.06	10.14	22.15	32.29	97.35
Use \$1M from Reserves	48.96	11.97	60.93	10.14	22.15	32.29	93.22
Leave \$1M in Reserves	50.74	11.97	62.71	10.14	22.15	32.29	95.00
Proposed Rates	54.59	13.16	67.75	11.54	25.35	36.89	104.64
Use \$1M from Reserves	52.25	13.16	65.41	11.54	25.35	36.89	102.30
Leave \$1M in Reserves	52.23	13.16	65.39	11.54	25.35	36.89	102.28
Proposed Rates	56.73	14.42	71.15	11.54	25.35	36.89	108.04
Use \$1M from Reserves	53.79	14.42	68.21	11.54	25.35	36.89	105.10
Leave \$1M in Reserves	53.77	14.42	68.19	11.54	25.35	36.89	105.08

Base Charge	Consumption	Total Water	Base Charge	Consumption	Total Sewer	Total Water & Sewer
20.00	19.88	39.88	21.10	0.00	21.10	60.98
20.00	19.88	39.88	13.60	0.00	13.60	53.48
43.49	9.94	53.43	7.84	3.37	11.21	64.64
33.82	9.94	43.76	7.84	3.37	11.21	54.97
41.05	9.94	50.99	7.84	3.37	11.21	62.20
47.05	10.92	57.97	8.91	3.87	12.78	70.75
43.16	10.92	54.08	8.91	3.87	12.78	66.86
47.82	10.92	58.74	8.91	3.87	12.78	71.52
53.09	11.97	65.06	10.14	4.43	14.57	79.63
48.96	11.97	60.93	10.14	4.43	14.57	75.50
50.74	11.97	62.71	10.14	4.43	14.57	77.28
54.59	13.16	67.75	11.54	5.07	16.61	84.36
52.25	13.16	65.41	11.54	5.07	16.61	82.02
52.23	13.16	65.39	11.54	5.07	16.61	82.00
56.73	14.42	71.15	11.54	5.07	16.61	87.76
53.79	14.42	68.21	11.54	5.07	16.61	84.82
53.77	14.42	68.19	11.54	5.07	16.61	84.80

1" Meter - Residential Account

Winter Bills - Nov-Mar

Summer Bills - Apr-Oct

	Winter Bills - Nov-Mar					Total	
	Base Charge	Consumption	Total Water	Base Charge	Consumption	Total Sewer	Water & Sewer
4 Units of Consumption							
Current	20.00	11.36	31.36	21.10	0.00	21.10	52.46
Current w/Sr Disc	20.00	11.36	31.36	13.60	0.00	13.60	44.96
Proposed Rates	43.49	5.68	49.17	7.84	6.74	14.58	63.75
Use \$1M from Reserves	33.82	5.68	39.50	7.84	6.74	14.58	54.08
Leave \$1M in Reserves	41.05	5.68	46.73	7.84	6.74	14.58	61.31
Proposed Rates	47.05	6.24	53.29	8.91	7.74	16.65	69.94
Use \$1M from Reserves	43.16	6.24	49.40	8.91	7.74	16.65	66.05
Leave \$1M in Reserves	47.82	6.24	54.06	8.91	7.74	16.65	70.71
Proposed Rates	53.09	6.84	59.93	10.14	8.86	19.00	78.93
Use \$1M from Reserves	48.96	6.84	55.80	10.14	8.86	19.00	74.80
Leave \$1M in Reserves	50.74	6.84	57.58	10.14	8.86	19.00	76.58
Proposed Rates	54.59	7.52	62.11	11.54	10.14	21.68	83.79
Use \$1M from Reserves	52.25	7.52	59.77	11.54	10.14	21.68	81.45
Leave \$1M in Reserves	52.23	7.52	59.75	11.54	10.14	21.68	81.43
Proposed Rates	56.73	8.24	64.97	11.54	10.14	21.68	86.65
Use \$1M from Reserves	53.79	8.24	62.03	11.54	10.14	21.68	83.71
Leave \$1M in Reserves	53.77	8.24	62.01	11.54	10.14	21.68	83.69

	Summer Bills - Apr-Oct					Total	
	Base Charge	Consumption	Total Water	Base Charge	Consumption	Total Sewer	Water & Sewer
	20.00	11.36	31.36	21.10	0.00	21.10	52.46
	20.00	11.36	31.36	13.60	0.00	13.60	44.96
	43.49	5.68	49.17	7.84	0.00	7.84	57.01
	33.82	5.68	39.50	7.84	0.00	7.84	47.34
	41.05	5.68	46.73	7.84	0.00	7.84	54.57
	47.05	6.24	53.29	8.91	0.00	8.91	62.20
	43.16	6.24	49.40	8.91	0.00	8.91	58.31
	47.82	6.24	54.06	8.91	0.00	8.91	62.97
	53.09	6.84	59.93	10.14	0.00	10.14	70.07
	48.96	6.84	55.80	10.14	0.00	10.14	65.94
	50.74	6.84	57.58	10.14	0.00	10.14	67.72
	54.59	7.52	62.11	11.54	0.00	11.54	73.65
	52.25	7.52	59.77	11.54	0.00	11.54	71.31
	52.23	7.52	59.75	11.54	0.00	11.54	71.29
	56.73	8.24	64.97	11.54	0.00	11.54	76.51
	53.79	8.24	62.03	11.54	0.00	11.54	73.57
	53.77	8.24	62.01	11.54	0.00	11.54	73.55

1" Meter - Residential Account

Winter Bills - Nov-Mar							Total	
Base Charge		Consumption	Total Water	Base Charge	Consumption	Total Sewer	Water &	Sewer
2 Units of Consumption								
Current		20.00	5.68	25.68	21.10	0.00	21.10	46.78
Current w/Sr Disc		20.00	5.68	25.68	13.60	0.00	13.60	39.28
Proposed Rates		43.49	2.84	46.33	7.84	0.00	7.84	54.17
Use \$1M from Reserves		33.82	2.84	36.66	7.84	0.00	7.84	44.50
Leave \$1M in Reserves		41.05	2.84	43.89	7.84	0.00	7.84	51.73
Proposed Rates		47.05	3.12	50.17	8.91	0.00	8.91	59.08
Use \$1M from Reserves		43.16	3.12	46.28	8.91	0.00	8.91	55.19
Leave \$1M in Reserves		47.82	3.12	50.94	8.91	0.00	8.91	59.85
Proposed Rates		53.09	3.42	56.51	10.14	0.00	10.14	66.65
Use \$1M from Reserves		48.96	3.42	52.38	10.14	0.00	10.14	62.52
Leave \$1M in Reserves		50.74	3.42	54.16	10.14	0.00	10.14	64.30
Proposed Rates		54.59	3.76	58.35	11.54	0.00	11.54	69.89
Use \$1M from Reserves		52.25	3.76	56.01	11.54	0.00	11.54	67.55
Leave \$1M in Reserves		52.23	3.76	55.99	11.54	0.00	11.54	67.53
Proposed Rates		56.73	4.12	60.85	11.54	0.00	11.54	72.39
Use \$1M from Reserves		53.79	4.12	57.91	11.54	0.00	11.54	69.45
Leave \$1M in Reserves		53.77	4.12	57.89	11.54	0.00	11.54	69.43

Summer Bills - Apr-Oct							Total	
Base Charge		Consumption	Total Water	Base Charge	Consumption	Total Sewer	Water &	Sewer
20.00		5.68	25.68	21.10	0.00	21.10	46.78	
20.00		5.68	25.68	13.60	0.00	13.60	39.28	
43.49		2.84	46.33	7.84	0.00	7.84	54.17	
33.82		2.84	36.66	7.84	0.00	7.84	44.50	
41.05		2.84	43.89	7.84	0.00	7.84	51.73	
47.05		3.12	50.17	8.91	0.00	8.91	59.08	
43.16		3.12	46.28	8.91	0.00	8.91	55.19	
47.82		3.12	50.94	8.91	0.00	8.91	59.85	
53.09		3.42	56.51	10.14	0.00	10.14	66.65	
48.96		3.42	52.38	10.14	0.00	10.14	62.52	
50.74		3.42	54.16	10.14	0.00	10.14	64.30	
54.59		3.76	58.35	11.54	0.00	11.54	69.89	
52.25		3.76	56.01	11.54	0.00	11.54	67.55	
52.23		3.76	55.99	11.54	0.00	11.54	67.53	
56.73		4.12	60.85	11.54	0.00	11.54	72.39	
53.79		4.12	57.91	11.54	0.00	11.54	69.45	
53.77		4.12	57.89	11.54	0.00	11.54	69.43	

5/8" & 3/4" Meter - Residential Account

Winter Bills - Nov-Mar

	Winter Bills - Nov-Mar					Total	
	Base Charge	Consumption	Total Water	Base Charge	Consumption	Total Sewer	Total Water & Sewer
20 Units of Consumption							
Current	12.37	56.80	69.17	21.10	0.00	21.10	90.27
Current w/Sr Disc	12.37	56.80	69.17	13.60	0.00	13.60	82.77
Proposed Rates	26.90	28.40	55.30	7.84	60.66	68.50	123.80
Use \$1M from Reserves	20.92	28.40	49.32	7.84	60.66	68.50	117.82
Leave \$1M in Reserves	25.39	28.40	53.79	7.84	60.66	68.50	122.29
Proposed Rates	29.11	31.20	60.31	8.91	69.66	78.57	138.88
Use \$1M from Reserves	26.70	31.20	57.90	8.91	69.66	78.57	136.47
Leave \$1M in Reserves	29.58	31.20	60.78	8.91	69.66	78.57	139.35
Proposed Rates	32.85	34.20	67.05	10.14	79.74	89.88	156.93
Use \$1M from Reserves	30.29	34.20	64.49	10.14	79.74	89.88	154.37
Leave \$1M in Reserves	31.39	34.20	65.59	10.14	79.74	89.88	155.47
Proposed Rates	33.78	37.60	71.38	11.54	91.26	102.80	174.18
Use \$1M from Reserves	32.33	37.60	69.93	11.54	91.26	102.80	172.73
Leave \$1M in Reserves	32.31	37.60	69.91	11.54	91.26	102.80	172.71
Proposed Rates	35.10	41.20	76.30	11.54	91.26	102.80	179.10
Use \$1M from Reserves	33.28	41.20	74.48	11.54	91.26	102.80	177.28
Leave \$1M in Reserves	33.26	41.20	74.46	11.54	91.26	102.80	177.26

Summer Bills - Apr-Oct

	Summer Bills - Apr-Oct					Total	
	Base Charge	Consumption	Total Water	Base Charge	Consumption	Total Sewer	Total Water & Sewer
	12.37	56.80	69.17	21.10	0.00	21.10	90.27
	12.37	56.80	69.17	13.60	0.00	13.60	82.77
	26.90	28.40	55.30	7.84	10.11	17.95	73.25
	20.92	28.40	49.32	7.84	10.11	17.95	67.27
	25.39	28.40	53.79	7.84	10.11	17.95	71.74
	29.11	31.20	60.31	8.91	11.61	20.52	80.83
	26.70	31.20	57.90	8.91	11.61	20.52	78.42
	29.58	31.20	60.78	8.91	11.61	20.52	81.30
	32.85	34.20	67.05	10.14	13.29	23.43	90.48
	30.29	34.20	64.49	10.14	13.29	23.43	87.92
	31.39	34.20	65.59	10.14	13.29	23.43	89.02
	33.78	37.60	71.38	11.54	15.21	26.75	98.13
	32.33	37.60	69.93	11.54	15.21	26.75	96.68
	32.31	37.60	69.91	11.54	15.21	26.75	96.66
	35.10	41.20	76.30	11.54	15.21	26.75	103.05
	33.28	41.20	74.48	11.54	15.21	26.75	101.23
	33.26	41.20	74.46	11.54	15.21	26.75	101.21

5/8" & 3/4" Meter - Residential Account

Winter Bills - Nov-Mar							Total		
	Base Charge	Consumption	Total Water	Base Charge	Consumption	Total Sewer	Water & Sewer		
7 Units of Consumption									
Current	12.37	19.88	32.25	21.10	0.00	21.10	53.35		
Current w/Sr Disc	12.37	19.88	32.25	13.60	0.00	13.60	45.85		
Proposed Rates	26.90	9.94	36.84	7.84	16.85	24.69	61.53		
Use \$1M from Reserves	20.92	9.94	30.86	7.84	16.85	24.69	55.55		
Leave \$1M in Reserves	25.39	9.94	35.33	7.84	16.85	24.69	60.02		
Proposed Rates	29.11	10.92	40.03	8.91	19.35	28.26	68.29		
Use \$1M from Reserves	26.70	10.92	37.62	8.91	19.35	28.26	65.88		
Leave \$1M in Reserves	29.58	10.92	40.50	8.91	19.35	28.26	68.76		
Proposed Rates	32.85	11.97	44.82	10.14	22.15	32.29	77.11		
Use \$1M from Reserves	30.29	11.97	42.26	10.14	22.15	32.29	74.55		
Leave \$1M in Reserves	31.39	11.97	43.36	10.14	22.15	32.29	75.65		
Proposed Rates	33.78	13.16	46.94	11.54	25.35	36.89	83.83		
Use \$1M from Reserves	32.33	13.16	45.49	11.54	25.35	36.89	82.38		
Leave \$1M in Reserves	32.31	13.16	45.47	11.54	25.35	36.89	82.36		
Proposed Rates	35.10	14.42	49.52	11.54	25.35	36.89	86.41		
Use \$1M from Reserves	33.28	14.42	47.70	11.54	25.35	36.89	84.59		
Leave \$1M in Reserves	33.26	14.42	47.68	11.54	25.35	36.89	84.57		

Summer Bills - Apr-Oct							Total	
	Base Charge	Consumption	Total Water	Base Charge	Consumption	Total Sewer	Water & Sewer	
	12.37	19.88	32.25	21.10	0.00	21.10	53.35	
	12.37	19.88	32.25	13.60	0.00	13.60	45.85	
	26.90	9.94	36.84	7.84	3.37	11.21	48.05	
	20.92	9.94	30.86	7.84	3.37	11.21	42.07	
	25.39	9.94	35.33	7.84	3.37	11.21	46.54	
	29.11	10.92	40.03	8.91	3.87	12.78	52.81	
	26.70	10.92	37.62	8.91	3.87	12.78	50.40	
	29.58	10.92	40.50	8.91	3.87	12.78	53.28	
	32.85	11.97	44.82	10.14	4.43	14.57	59.39	
	30.29	11.97	42.26	10.14	4.43	14.57	56.83	
	31.39	11.97	43.36	10.14	4.43	14.57	57.93	
	33.78	13.16	46.94	11.54	5.07	16.61	63.55	
	32.33	13.16	45.49	11.54	5.07	16.61	62.10	
	32.31	13.16	45.47	11.54	5.07	16.61	62.08	
	35.10	14.42	49.52	11.54	5.07	16.61	66.13	
	33.28	14.42	47.70	11.54	5.07	16.61	64.31	
	33.26	14.42	47.68	11.54	5.07	16.61	64.29	

5/8" & 3/4" Meter - Residential Account

Winter Bills - Nov-Mar

	Winter Bills - Nov-Mar					Total	
	Base Charge	Consumption	Total Water	Base Charge	Consumption	Total Sewer	Total Water & Sewer
4 Units of Consumption							
Current	12.37	11.36	23.73	21.10	0.00	21.10	44.83
Current w/Sr Disc	12.37	11.36	23.73	13.60	0.00	13.60	37.33
Proposed Rates	26.90	5.68	32.58	7.84	6.74	14.58	47.16
Use \$1M from Reserves	20.92	5.68	26.60	7.84	6.74	14.58	41.18
Leave \$1M in Reserves	25.39	5.68	31.07	7.84	6.74	14.58	45.65
Proposed Rates	29.11	6.24	35.35	8.91	7.74	16.65	52.00
Use \$1M from Reserves	26.70	6.24	32.94	8.91	7.74	16.65	49.59
Leave \$1M in Reserves	29.58	6.24	35.82	8.91	7.74	16.65	52.47
Proposed Rates	32.85	6.84	39.69	10.14	8.86	19.00	58.69
Use \$1M from Reserves	30.29	6.84	37.13	10.14	8.86	19.00	56.13
Leave \$1M in Reserves	31.39	6.84	38.23	10.14	8.86	19.00	57.23
Proposed Rates	33.78	7.52	41.30	11.54	10.14	21.68	62.98
Use \$1M from Reserves	32.33	7.52	39.85	11.54	10.14	21.68	61.53
Leave \$1M in Reserves	32.31	7.52	39.83	11.54	10.14	21.68	61.51
Proposed Rates	35.10	8.24	43.34	11.54	10.14	21.68	65.02
Use \$1M from Reserves	33.28	8.24	41.52	11.54	10.14	21.68	63.20
Leave \$1M in Reserves	33.26	8.24	41.50	11.54	10.14	21.68	63.18

Summer Bills - Apr-Oct

	Summer Bills - Apr-Oct					Total	
	Base Charge	Consumption	Total Water	Base Charge	Consumption	Total Sewer	Total Water & Sewer
	12.37	11.36	23.73	21.10	0.00	21.10	44.83
	12.37	11.36	23.73	13.60	0.00	13.60	37.33
	26.90	5.68	32.58	7.84	0.00	7.84	40.42
	20.92	5.68	26.60	7.84	0.00	7.84	34.44
	25.39	5.68	31.07	7.84	0.00	7.84	38.91
	29.11	6.24	35.35	8.91	0.00	8.91	44.26
	26.70	6.24	32.94	8.91	0.00	8.91	41.85
	29.58	6.24	35.82	8.91	0.00	8.91	44.73
	32.85	6.84	39.69	10.14	0.00	10.14	49.83
	30.29	6.84	37.13	10.14	0.00	10.14	47.27
	31.39	6.84	38.23	10.14	0.00	10.14	48.37
	33.78	7.52	41.30	11.54	0.00	11.54	52.84
	32.33	7.52	39.85	11.54	0.00	11.54	51.39
	32.31	7.52	39.83	11.54	0.00	11.54	51.37
	35.10	8.24	43.34	11.54	0.00	11.54	54.88
	33.28	8.24	41.52	11.54	0.00	11.54	53.06
	33.26	8.24	41.50	11.54	0.00	11.54	53.04

5/8" & 3/4" Meter - Residential Account

Winter Bills - Nov-Mar										Summer Bills - Apr-Oct							
2 Units of Consumption	Base Charge		Consumption	Total Water	Base Charge		Consumption	Total Sewer	Total Water & Sewer	Base Charge	Consumption	Total Water	Base Charge		Consumption	Total Sewer	Total Water & Sewer
Current	12.37		5.68	18.05	21.10	0.00	21.10	39.15		12.37	5.68	18.05	21.10	0.00	21.10	39.15	
Current w/Sr Disc	12.37		5.68	18.05	13.60	0.00	13.60	31.65		12.37	5.68	18.05	13.60	0.00	13.60	31.65	
Proposed Rates	26.90		2.84	29.74	7.84	0.00	7.84	37.58		26.90	2.84	29.74	7.84	0.00	7.84	37.58	
Use \$1M from Reserves	20.92		2.84	23.76	7.84	0.00	7.84	31.60		20.92	2.84	23.76	7.84	0.00	7.84	31.60	
Leave \$1M in Reserves	25.39		2.84	28.23	7.84	0.00	7.84	36.07		25.39	2.84	28.23	7.84	0.00	7.84	36.07	
Proposed Rates	29.11		3.12	32.23	8.91	0.00	8.91	41.14		29.11	3.12	32.23	8.91	0.00	8.91	41.14	
Use \$1M from Reserves	26.70		3.12	29.82	8.91	0.00	8.91	38.73		26.70	3.12	29.82	8.91	0.00	8.91	38.73	
Leave \$1M in Reserves	29.58		3.12	32.70	8.91	0.00	8.91	41.61		29.58	3.12	32.70	8.91	0.00	8.91	41.61	
Proposed Rates	32.85		3.42	36.27	10.14	0.00	10.14	46.41		32.85	3.42	36.27	10.14	0.00	10.14	46.41	
Use \$1M from Reserves	30.29		3.42	33.71	10.14	0.00	10.14	43.85		30.29	3.42	33.71	10.14	0.00	10.14	43.85	
Leave \$1M in Reserves	31.39		3.42	34.81	10.14	0.00	10.14	44.95		31.39	3.42	34.81	10.14	0.00	10.14	44.95	
Proposed Rates	33.78		3.76	37.54	11.54	0.00	11.54	49.08		33.78	3.76	37.54	11.54	0.00	11.54	49.08	
Use \$1M from Reserves	32.33		3.76	36.09	11.54	0.00	11.54	47.63		32.33	3.76	36.09	11.54	0.00	11.54	47.63	
Leave \$1M in Reserves	32.31		3.76	36.07	11.54	0.00	11.54	47.61		32.31	3.76	36.07	11.54	0.00	11.54	47.61	
Proposed Rates	35.10		4.12	39.22	11.54	0.00	11.54	50.76		35.10	4.12	39.22	11.54	0.00	11.54	50.76	
Use \$1M from Reserves	33.28		4.12	37.40	11.54	0.00	11.54	48.94		33.28	4.12	37.40	11.54	0.00	11.54	48.94	
Leave \$1M in Reserves	33.26		4.12	37.38	11.54	0.00	11.54	48.92		33.26	4.12	37.38	11.54	0.00	11.54	48.92	

AGENDA SUMMARY**RE: SEQUOIA PARK ZOO FACILITY MASTER PLAN****FOR AGENDA DATE: JANUARY 18, 2011****AGENDA ITEM No.:**

16

RECOMMENDATION: RECEIVE REPORT**SUMMARY OF THE ISSUE:**

The current Sequoia Park Zoo Facility Master Plan was initiated in 2006 in response to accreditation requirements of the AZA (American Association of Zoos & Aquariums) for a plan to develop the Zoo with a modern philosophy and standards of visitor education and naturalistic animal habitats. The previous Sequoia Park & Zoo Master Plan created in 1993 had been implemented within the Zoo to the extent practical, with the development of the classroom, entrance and Barnyard facilities. In 2006 the city contracted with Jones & Jones Landscape Architects from Seattle to design a modern plan with zoo staff.

*Continued page 2***FISCAL IMPACT:****DH SIGN:**
Bruce Young
Public Works Director**CM SIGN:**
David W. Tyson
City Manager**REVIEWED BY:****DATE:****INITIALS:**

Assistant City Manager

1-13-11**Council Action:**

Ordinance No. _____

Resolution No. _____

RE: SEQUOIA PARK ZOO FACILITY MASTER PLAN	FOR AGENDA DATE: JANURARY 18, 2011 AGENDA ITEM NO.: <i>Page 2</i>
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SUMMARY *(continued)*

The new Master Plan includes past zoo improvements such as the Aviary, Barnyard & Entry Pavilion, and organizes future exhibits into 5 thematic zones: Native Predators, Asian Forests, South American Biodiversity Hotspot, Prairie Keystone, and Island Adaptations. This plan was designed around a carefully crafted living collection plan that considered space and budget restrictions, climate suitability, and other resource limitations particular to this zoo. Details of this process can be found in the Master Plan Executive Summary and Institutional Collection Plan documents.

Steady progress toward implementation of the Master Plan has occurred since 2008, with the renovation of the Nancy Hilfiker Aviary, creation of the new Red Panda exhibit, and currently the makeover of the Flamingo and Cavy habitats. These developments have occurred with grants and private funding through the Sequoia Park Zoo Foundation, whose formal agreement with the City of Eureka specifies fundraising for zoo improvements in accordance with the Zoo's master plan